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The Maryland House of Delegates
ANNAPOLIS, MARYLAND 21401

SUPPORT FOR HB1311
CRIMINAL LAW – OBSCENE MATERIAL – DEVICE FILTERS

HB1311 takes strides in proposing the protection of our minor children from exposure to obscene material on smartphones and tablets via the internet. After clearly defining the terms within, HB 1311 proposes that after January 1, 2025, phones and tablets manufactured thereafter, when activated in Maryland, automatically enable a filter capable of blocking "obscene material" as defined. This filter would prevent a user of the device from accessing material meeting the obscene definition. A copy of the Federal definition of obscenity is uploaded for your perusal. The filter would also enable adult users to deactivate the filter for the device or for specific content as the adult so chooses.

HB1311 enables the Attorney General to bring civil actions against manufacturers of devices that do not comply with the bill as proposed. Parents and guardians of children would also be permitted to bring civil actions against manufacturers and others that violate the provisions set forth in HB1311. Finally, this bill makes it a criminal offense for any person other than the parents or guardians of a minor child to provide the passcode to remove the filter on a device in the possession of a minor.

Obscenity is not protected under the First Amendment rights to free speech, and violations of federal obscenity laws are criminal offenses. Federal law strictly prohibits the distribution of obscene materials to a minor under the age of 16 to include material distributed over the internet. The Child Exploitation and Obscenity Section of the U.S. Department of Justice is charged with the enforcement of the federal obscenity statutes. Although the distribution of obscene materials over the internet via smartphones and tablets blurs the traditional standards of jurisdiction, Maryland can make a stand to protect our youth by implementing the protections afforded and proposed by HB1311.

Please enter a Favorable Vote for HB1311.

Susan K. McComas