



April 5, 2024

Senator Rosilicie Ochoa Bogh
1021 O Street, Suite 7220
Sacramento, CA 95814

SUBJECT — SENATE BILL 1435 (AMENDED MARCH 18, 2024), SUPPORT

On behalf of the California Policy Center, I write in strong support of Senate Bill 1435 to provide a clearer standard regarding obscene and harmful materials in our public K-8 classrooms and libraries.

As outlined in the legislative findings and declarations, “Obscene material is not protected under the First Amendment, as established by the United States Supreme Court in *Miller v. California* (1973) 413 U.S. 15.” The United States Congress prohibits the broadcasting of obscene material in Section 1464 of Title 18 of the United States Code. At the behest of Congress and consistent with several rulings from the United States Supreme Court, the Federal Communications Commission outlines what constitutes “obscene, indecent, and profane content from being broadcast on the radio or television” with its three-pronged test:

1. Appeal to an average person’s prurient interest;
2. Depict or describe sexual conduct in a patently offensive way; and,
3. Taken as a whole, lack serious literary, artistic, political, or scientific value.

Current Penal Code reflects Supreme Court precedent and federal law. In short, if material cannot be read or displayed on broadcast television or public radio channels – or in school board meetings, for that matter – it should not be in the public-school classrooms and libraries of our elementary or middle schools in California. Nothing in this proposal prevents a parent or guardian from buying, sharing, reading or otherwise consuming obscene material with their children at home.

For these reasons, we are happy to support SB 1435.

Sincerely,

Lance Christensen
Vice President of Education Policy & Government Affairs