

SESSION OF 2007

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2200

As Amended by House Committee of the Whole

Brief*

HB 2200 would amend several criminal statutes relating to obscenity. The bill would limit the ability of certain public or private schools to assert the defense to a prosecution for obscenity that the persons to whom the allegedly obscene material was disseminated, consisted of persons or institutions having scientific, education or governmental justification for possessing or viewing. Under current law, the defense is provided to public, private or parochial schools, as well as colleges or universities.

The bill also would amend current law by stating that to the extent the allegedly obscene material or device is disseminated or displayed by any employee or volunteer of a public or private school, it would not constitute promoting obscenity to disseminate or display material or device unless done knowingly, intentionally, wilfully or recklessly and not by mistake.

Background

Proponents appearing for the bill were Representative Lance Kinzer, a pastor from Ward Parkway Presbyterian Church, the State Director of Concerned Women of Kansas, and a representative of the National Coalition for Protection of Children and Families. Written testimony in opposition to the bill was presented by a representative of the Kansas National Education Association.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The House Committee amended the bill by adding the statement that obscene material or device is disseminated or displayed by any employee or volunteer of a public or private K-12 school, it would not constitute promoting obscenity to disseminate or display material or device unless done knowingly, intentionally, wilfully or recklessly and not by mistake.

The House Committee of the Whole amended the bill by providing the defense to public or private schools instead of just postsecondary education institutions. Since House Committee of the Whole action, the bill has been referred back to the House Committee on Education.

The fiscal note indicates that enactment of the bill would have no fiscal effect.