

## **BILL ANALYSIS**

Senate Research Center  
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H.C.R. 13  
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Committee Report (Unamended)

### **DIGEST**

A 2000 sample survey of 1,501 of the nearly 24 million school-aged children regularly using the Internet in the United States found that approximately one out of every four children in that sample had experienced unwanted exposure to sexual images while on-line.

The development of the Internet is widely regarded as the most profound change in the way people communicate since the invention of the printing press, but as remarkable as it may be, there are risks to children that are unique to such a pervasive and accessible medium; with the development of newer and increasingly invasive technologies that can deliver or disguise unwanted material through direct marketing e-mails, or "spam" mailings, the risks are even more pronounced and difficult to detect.

Compounding the challenge of protecting minors from inappropriate material on-line is the fact that children often understand more about the Internet than their parents, teachers, and other caregivers; in addition, common sense measures used to secure a child's environment in the "physical world" are not feasible in cyberspace.

In a bipartisan effort to address these concerns, congress passed the Communications Decency Act of 1996 (CDA) and the Child Online Protection Act (COPA) and, in doing so, criminalized Internet transmission of indecent materials to minors; however, the Supreme Court ruled in 1997 that certain provisions of the CDA were unconstitutional and in 2002 upheld a district court's temporary injunction against enforcement of COPA on the same grounds.

Recognizing the need to make children's on-line experiences safe, educational, and entertaining while honoring constitutional safeguards, the 107th Congress is considering legislation that would address specific questions posed by the Supreme Court without discouraging the evolution of the Internet or violating the First Amendment.

Modeled after existing law that regulates the identification of sexually explicit advertisements sent via U.S. mail, House Resolution 2472 requires the National Institute of Standards and Technology to prescribe an electronic tag that would identify sexually oriented messages and allow parents to use the filtering tools already available on e-mail programs to block messages bearing the tag; the legislation is a balanced and realistic solution to the complexities of protecting free speech and children on-line.

### **PURPOSE**

H.C.R. 13 submits the following resolutions:

Respectfully urges the Congress of the United States to enact the Protect Children From E-Mail Smut Act of 2001.

Resolves that the Texas secretary of state forward official copies of this resolution to the president of the United States, the speaker of the house of representatives and the president of the senate of the United States Congress, and all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record

as a memorial to the Congress of the United States of America.