

RESOLUTION NO. 2023-1

RESOLUTION OF THE COUNTY COMMISSIONERS OF FOUNTAIN COUNTY, INDIANA, SUPPORTING SENATE BILL NO. 12 AND EFFORTS TO CLOSE LOOPHOLES IN CRIMINAL STATUTES TO PROTECT MINORS FROM DISSEMINATION OF HARMFUL MATERIALS.

WHEREAS, Article 49 of the Indiana Criminal Code addresses specific crimes regarding obscenity and pornography; and

WHEREAS, Indiana Code § 35-49-3-3 Dissemination of matter or conducting performance harmful to minors creates felony criminal liability for any person who knowingly or intentionally:

- (1) disseminates matter to minors that is harmful to minors;
- (2) displays matter that is harmful to minors in an area to which minors have visual, auditory, or physical access, unless each minor is accompanied by the minor's parent or guardian;
- (3) sells, rents, or displays for sale or rent to any person matter that is harmful to minors within five hundred (500) feet of the nearest property line of a school or church;
- (4) engages in or conducts a performance before minors that is harmful to minors;
- (5) engages in or conducts a performance that is harmful to minors in an area to which minors have visual, auditory, or physical access, unless each minor is accompanied by the minor's parent or guardian;
- (6) misrepresents the minor's age for the purpose of obtaining admission to an area from which minors are restricted because of the display of matter or a performance that is harmful to minors; or
- (7) misrepresents that the person is a parent or guardian of a minor for the purpose of obtaining admission of the minor to an area where minors are being restricted because of display of matter or performance that is harmful to minors; and

WHEREAS, Indiana Code § 35-49-3-4 provides for certain special defenses to this crime, which include schools and public libraries; and

WHEREAS Senator James Tomes has introduced Senate Bill No. 12 in the current legislative session of the Indiana General Assembly; and

WHEREAS, Senate Bill No. 12 seeks to eliminate Indiana Code § 35-49-3-4's special defenses to the crime of disseminating harmful materials to minors for schools and certain public libraries; and

WHEREAS, Senate Bill No. 12 has been summarized in the legislative digest:

Synopsis: Material harmful to minors. Removes schools and certain public libraries from the list of entities eligible for a specified defense to criminal prosecutions alleging: (1) the dissemination of material harmful to minors; or (2) a performance harmful to minors. Adds colleges and universities to the list of entities eligible for a specified defense to criminal prosecutions alleging: (1) the dissemination of material harmful to minors; or (2) a performance harmful to minors.

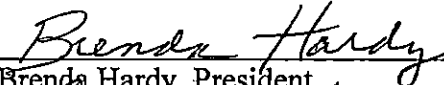
WHEREAS, Senate Bill No. 12 enhances protections for our children to be free from the dissemination of obscene and pornographic materials in the State of Indiana.

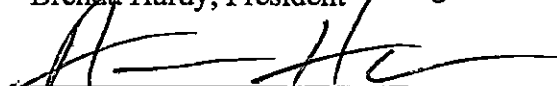
NOW, THEREFORE, BE IT RESOLVED, THAT THE COUNTY COMMISSIONERS hereby encourages the Indiana General Assembly and Governor Eric Holcomb to pass Senate Bill No. 12; recognize that pornography is a public health hazard leading to a broad spectrum of individual and public health impacts and societal harms;

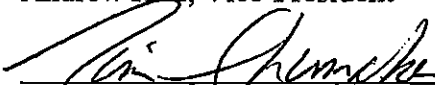
BE IT FURTHER RESOLVED that the County Auditor is directed to distribute a copy of this resolution to each state legislator representing Fountain County and to the Association of Indiana Counties for consideration in their legislative platform.

Adopted this 6th day of February, 2023.


**Board of Commissioners,
Fountain County, Indiana**


Brenda Hardy, President


Andrew Hall, Vice-President


Tim Shumaker, Secretary

Attest:


Colleen Chambers, Auditor

I affirm under the penalties for perjury that I have taken reasonable care to redact each social security number in this document, unless required by law. /s/ J. Kent Minnette

J. Kent Minnette, Indiana Attorney No. 21362-45, Taylor, Chadd, Minnette, Schneider & Clutter, P.C., 2522 West U.S. Hwy 136, Covington, Indiana, 47932, Telephone: (765) 814-2001, prepared this document.