

RESOLUTION

(Adopted by the 1993 convention delegates)

Enabling Legislation to Enforce - Obscene and Sexually Explicit Material Laws

- WHEREAS, Colorado PTA and the National PTA have adopted resolutions in 1973, 1977, 1986, and 1989 concerning the availability of obscene and pornographic material to children and youth, and enforcement of obscenity laws; and
- WHEREAS, The Colorado Supreme Court, between 1975 and 1978, three times struck down the Colorado statute that made it illegal to sell sexually explicit material to minors, and each time the Colorado General Assembly responded by passing a new version; and
- WHEREAS, Colorado has become a "safe harbor" for distributors of hard-core obscenity because the Colorado Supreme Courts' interpretation of obscenity is so narrow that it is both unprecedented in the history of our nation and impossible for a prosecutor to meet; and
- WHEREAS, The United States Supreme Court has stated that obscene material is unprotected by the First Amendment "Miller v. California" (1973); and
- WHEREAS, Colorado statute should conform to the standards of obscenity established by the First Amendment to the United States Constitution; therefore be it
- Resolved, That the Colorado PTA support the passage of a Constitutional Amendment that enables the state and any city, city and county, or county, whether statutory or home rule, to control to the full extent permitted by the First Amendment to the Constitution of the United States of America, obscenity and sexually explicit material that is harmful to minors; and be it further

Resolved. That Colorado PTA urges local district attorneys to then prosecute those found in violation of laws regarding obscene and sexually explicit material harmful to minors.