


NATE GUSTAFSON
STATE REPRESENTATIVE • 55TH ASSEMBLY DISTRICT

Testimony in Support of Assembly Bill 730

Assembly Committee on Criminal Justice and Public Safety

Wednesday, January 17, 2024

Thank you, Chairman Spiros, and esteemed members of the Assembly Committee on Criminal Justice and Public Safety, for scheduling this public hearing and providing me with the opportunity to testify in favor of Assembly Bill 730. I also want to express my appreciation to my colleague, Senator Wanggaard, for his leadership on this bill in the Senate.

Assembly Bill 730 is a necessary bill for protecting children from harmful materials that they may access online, and requires businesses to conduct reasonable age verification for websites that contain a substantial portion of harmful material to minors.

In an attempt to protect minors while preserving the data and privacy of adults, this bill ensures that all individuals using reasonable age verification methods are prohibited from retaining identifying information. This safeguards adults' privacy while ensuring minors are protected from inappropriate content. The bill also has safeguards for legitimate news media and for internet service providers.

Similar, legislation has passed in eight other states including those with divided political control such as Louisiana, Virginia, and North Carolina, and all with overwhelming bipartisan support. This is because of the mounting consensus that childhood exposure to pornography has a number of negative and potentially long-lasting impacts on the developing minds of our youth.

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It is worth noting that many major adult websites already require age verification for content uploaders, highlighting the importance of extending this verification to consumers as well. This bill provides an important safeguard against minors' unrestricted access to online pornography.

I urge you to vote for Assembly Bill 730. Your careful attention to this matter is greatly appreciated, and I trust that you will recognize the positive impact Assembly Bill 730 can have on our constituents and our state as a whole.

Thank you for your time and consideration.



Van H. Wanggaard

Wisconsin State Senator

TESTIMONY ON ASSEMBLY BILL 730

Thank you Mr. Chairman and committee members for today's committee hearing on Assembly Bill 730, relating to the distribution of certain material to minors. Broadly speaking, the bill requires internet porn sites to have an age verification method to ensure that the person accessing the site is 18 years or older.

This bill is based off a successful law in Louisiana, and eight other states. Ten other states have legislation pending. In each of those states, this legislation has passed with overwhelming bipartisan support, with literally only a handful of "no" votes. The law has been signed by both Republican and Democratic governors. This proposed law has been challenged legally in virtually every state in which it has been passed. All but one of those cases has been dismissed.

Last month, Pornhub.com was the fourth-most visited Internet site in the world. Four of the top 20 most visited internet sites are pornography websites. Unfortunately, these websites, photos, and videos are easily accessed by children. A recent survey found that the average age a child is first exposed to online pornography is 11 or 12 years old – the age of a sixth grader. Seventy-one percent of teenagers under 18 have claimed to stumble upon internet pornography without seeking it out.

Pornography acts like a drug, and like any drug, it's particularly harmful to children. Being on this committee, you have probably heard many times about brains of children that are still developing. It triggers the same part of the brain that an addictive drug use does. It can literally become an addiction. The younger exposure begins, the less likely a child will be able to handle the exposure to pornography properly. Pornography gives false representations of what a person should look like, what an ideal body is, what normal sex is, etc. People with early exposure get a warped view of what sex is like, and are more willing to accept and/or seek risky behavior. Exposure also raises the risk of depression, anxiety and low self-esteem. If you CAREFULLY look for research online, you will see tons of research showing the harm to children.

As Supreme Court Justice Potter Stewart said when it comes to pornography, "I don't know how to define it, but I know it when I see it." The legal term of art used in the bill is "material harmful to children," and it defines it about how you would expect it to be defined. It's on page 2, lines 10-23 of the bill.

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This bill also contains reasonable protections for everyone involved. We exempt material with serious literary, artistic and/or scientific value and legitimate news media. As far as age verification methods, the bill is flexible. We don't want to hamstring companies or force them out of business, but we want to make sure kids aren't seeing this harmful material. The bill also protects privacy by prohibiting Internet companies from retaining age verification data, and protects Internet Service Providers, targeting only the porn-hosting websites themselves.



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**TESTIMONY IN SUPPORT OF ASSEMBLY BILL 730
ASSEMBLY COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY
WEDNESDAY, JANUARY 17, 2024
JACK HOOGENDYK, LEGISLATIVE & POLICY DIRECTOR**

Thank you, Chairman Spiros and committee members, for the opportunity to testify on Assembly Bill 730. I am Jack Hoogendyk, Legislative and Policy Director for Wisconsin Family Action and we support AB 730.

Mr. Chairman, I don't think it is hyperbole to say that we are in the midst of a crisis in this country regarding minor children and pornography. Let me cite just a few statistics:

A report from Common Sense Media revealed:¹

- 75% of teenagers have viewed pornography by age 17
- Average age of first exposure to pornography is age 12
- 41% of teenagers saying they had seen images of nudity or sexual acts online during the school day (bypassing existing Wi-Fi filtering)
- Survey of 1,358 Americans age 13 to 17 found that more than half said they viewed *violent* porn (rape, choking, someone in pain)
- 5% of teen respondents said they first saw online pornography at age 10 or younger.

Research on the impact of pornography on children has revealed:

- 41% of young people (aged between 11 and 17) who knew about pornography agreed that watching pornography made people less respectful of the opposite sex. Only 13% disagreed.²
- The exposure of children to internet pornography is having impact on the development of harmful sexual behaviors. The average age of first perpetration of sexual violence is 15 -16 and is associated with exposure to pornography.³
- A 2016 meta-analysis of pornography research reveals adolescent pornography consumption is significantly associated with stronger gender-stereotypical sexual beliefs, earlier sexual debut, increased casual sex behavior, and increased sexual aggression both as perpetrators and victims.⁴
- Teens are at a great risk of developing a pornography addiction as their brains are still developing.⁵

Attempts by Congress to regulate or prevent access to pornography by minors have proven unsuccessful:

- In the 1996 Communications Decency Act⁶, Congress prohibited the “knowing transmission of obscene or indecent messages to any recipient under 18 years of age,” or the “knowing sending or displaying of patently offensive messages in a manner that is available to a person under 18 years of age.” However, the

¹ [Enough Is Enough: youth and Porn](#)

² [Children see pornography as young as seven, new report finds | BBFC](#)

³ [Predicting the Emergence of Sexual Violence in Adolescence | Prevention Science \(springer.com\)](#)

⁴ Peter J, Valkenburg P M. Adolescents and pornography: a review of 20 years of research. J of Sex Research. 2016; 53(4-5), 509-531.

⁵ [A New Generation of Sexual Addiction: Ingenta Connect](#)

⁶ [Communications Decency Act \(CDA\) | Britannica](#)

Supreme Court struck down this provision, finding its prohibitions so vague that they would limit First Amendment-protected speech. Here is a quote from that 1996 decision:

the Internet is not as 'invasive' as radio or television... [and]... [c]ommunications over the Internet do not 'invade' an individual's home or appear on one's computer screen unbidden. Users seldom encounter content by accident... [and] odds are slim that a user would come across a sexually explicit sight by accident.

- In 1998, Congress tried again to protect children from harmful content online with the Child Online Protection Act (COPA).⁷ It required age-verification for minors visiting sites with material “harmful to children.” The Supreme Court struck down this statute on the grounds that “filters are more effective than age-verification requirements” and would place a lesser burden on First Amendment rights. However, filters have since not proved particularly effective at protecting kids from harmful and obscene content online.

On a more fundamental level, the federal government’s historical focus on communications regulation is not addressing the challenges that social media present to society today, especially with regard to content that appeals to prurient interests and that lacks any literary, artistic, political, or scientific value for minors.

Mr. Chairman, AB 730, by requiring reasonable age verification methods to verify the age of individuals attempting to access internet websites or social media that is harmful to minors, we will greatly help to resolve the issue of the purveyors of pornography reaching our children. The bill’s provision for civil claims allows those harmed by those who seek to ensnare children into the darkness of pornography to seek some measure of justice, which is certainly warranted.

I might add, Mr. Chairman, that parents will be grateful for this legislation. They need our help. Even the best parental-control software available for purchase does not offer full protection⁸ and given the lack of current requirements for age verification, a child can easily falsify his age to access online material that is harmful.

Mr. Chairman, this is common-sense legislation and it is much needed in this cyber-technology driven society. We urge passage of Assembly Bill 730.

⁷ [Child Online Protection Act - Wikipedia](#)

⁸ [Full article: Do parental control tools fulfil family expectations for child protection? A rapid evidence review of the contexts and outcomes of use \(tandfonline.com\)](#)