

SENATE CONCURRENT RESOLUTION 40

(By Senators Trump, Weld, Beach, Maynard, Romano, Azinger,
Rucker, Ojeda, Karnes, Cline, Jeffries, Smith, Swope, Baldwin,
Clements, Woelfel, and Ferns)

[Originating in the Committee on the Judiciary;
Reported on February 23, 2018]

Requesting the Joint Committee on the Judiciary study the legality and potential effects of a bill that would prohibit retailers from selling or leasing products that make content accessible on the Internet unless the product contains an active and operating digital blocking capability that renders obscene material inaccessible.

Whereas, The damage done by these obscene materials to the public, especially to children, is recognized as a serious issue; and

Whereas, The legality of such a measure is a legitimate concern as it relates to the right of free speech; and

Whereas, Alternative measures not yet considered by the Legislature have yet to be explored in sufficient depth; and

Whereas, Such a bill could possibly have significant unforeseen and unintended effects that need to be more thoroughly examined; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on the Judiciary is hereby requested to study the legality and potential effects of a bill that would prohibit retailers from selling or leasing products that make content accessible on the Internet, unless the product contains an active and operating digital blocking capability that renders obscene material inaccessible; and, be it

Further Resolved, That the Joint Committee on the Judiciary enlist the assistance of the West Virginia Attorney General in conducting the study; and, be it

Further Resolved, That the Joint Committee on the Judiciary report to the regular session of the Legislature, 2019, on its findings, proposed alternative means, conclusions, and other recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, prepare a report, and draft necessary legislation be paid from legislative appropriations to the Joint Committee on the Judiciary.