



**IDAHO FAMILIES
INC**

Testimony of Trent L. Clark, Chairman
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BEFORE THE IDAHO SENATE
COMMITTEE ON STATE AFFAIRS
FEBRUARY 5, 2024

S. 1253 – Child Safety

Mr. Chairman – Idaho Families, Inc., formerly known as United Families Idaho, supports legislation to empower parents to restrict access to pornographic and obscene materials on digital internet-capable devices.

I would like to confine my testimony to rebutting an argument raised previously, that legislation of this type supplants and reduces the need for “good parenting.”

This is untrue, because of two facts that the advancers of this argument ignore:

- (1) In America, sales (including exchange, reset, replacement, etc.) of cell phones are not age-restricted. As evidence I have copied below a Q&A from the Apple Help chat:



Community User Author

Can I buy an iPhone if I'm under 18 years old?

Hi,

I hope you can help me. I should be traveling to New York soon and I would like to buy a new phone. The problem is that I am under 18 and I am not sure if I am able to do the shopping on my own. I found information on the internet that I need parental confirmation through "Family sharing" but currently we are all android users and we don't have access to whether I am able to perform this transaction even though I don't have this type of approval.

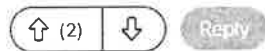
I sincerely hope for a positive response.

Best regards.

[Re-Titled by Moderator]

iPhone 13 Pro Max

Posted on Jun 29, 2022 2:56 PM



Reply



Phil0124

Level 10 198,230 points

Best reply

Posted on Jun 29, 2022 3:10 PM

Purchases are not age restricted in any way. As long as you can pay for it, nobody can stop you from buying the phone in store directly regardless of age. They should not even ask for your age at all.

Family Sharing is not involved when buying physical items from a physical store.

- (2) In America, underage minor access to non-specific communications content and devices are considered protected under the First Amendment. The most relevant discussion of this is found in:

Brown v. Entertainment Merchants Association

Citation – 131 S.Ct. 2729 (2011)

Issue – *Whether a state law that seeks to prohibit the sale of violent video games to minors must be narrowly tailored to serve a legitimate government interest.*

Held – *The law is flawed because although it states a minor cannot purchase a violent video game, the state legislature is perfectly willing to sell such a game to a parent to then give to the child. This is not the narrow tailoring that restriction of First Amendment rights requires.*

As a result of the above two legal realities, it is a fact that, absent this legislation:

- (1) Parents cannot stop an underage minor from obtaining a digital device, including one with full internet capability upon activation.
- (2) Parents cannot stop an underage minor from exchanging a digital device with a content filter active for an un-activated device which, at activation, will have no content filter.

What parents SHOULD BE ABLE to control is whether a device will, lacking an adult's activation, deliver unfiltered obscene or pornographic material to the eyeballs of an underage user.

This legislation is no deterrent or substitute for "good parenting." In fact, any "good parent" will recognize loopholes and tricks for "getting around" solid moral instruction and discipline, and seek lawful measures to foreclose those legalities that undermine parental oversight.

Thank you.