

Ohio high court narrowly interprets anti-porn law

January 27 2010, By JULIE CARR SMYTH , AP Statehouse Correspondent

(AP) -- The Ohio Supreme Court has narrowly interpreted a state law aimed to protecting children from online pornography and predators, delivering a blow to free-speech advocates who want it thrown out as unconstitutional.

In its unanimous decision, the court said a 2004 [law](#) extending the state's definition of "material harmful to minors" to the Internet is clearly intended to apply only to person-to-person communications - not to generally accessible Web sites and public chat rooms.

"We conclude that a person who posts matter harmful to juveniles on generally accessible websites and in public chat rooms does not violate (the law), because such a posting does not enable that person to 'prevent a particular recipient from receiving the information,'" Justice Paul Pfeifer wrote in the decision.

The interpretation is a blow to a coalition led by the American Booksellers Foundation for Free Expression, which has been challenging similar statutes around the country. It argues such protections, when applied too broadly to online material, erode the constitutional free speech rights of online booksellers, newspaper publishers and video game dealers. Technology, they say, can't always keep the harmful information from [children](#).

The high court's legal interpretation now goes back to the 6th U.S.

Circuit Court of Appeals based in Cincinnati, which is considering the larger constitutional question.

The lower court had asked justices to resolve two key legal questions before moving forward on the booksellers' lawsuit. The questions involved what is meant by the technical terms contained in the law: "mass distribution" and "personally directed devices." On both questions, the court sided with Ohio Attorney General Richard Cordray's arguments that the law is intended to be narrowly interpreted.

"Based on our understanding of generally acceptable websites and public chat rooms," Pfeifer wrote, "they are open to all, including juveniles, and current usage and technology do not allow a person who posts thereon to prevent particular recipients, including juveniles, from accessing the information posted."

A federal district court where the suit originated put enforcement of the law on hold after concluding its wording was overbroad and in violation of the First Amendment. That decision was appealed to the 6th Circuit.

This is the second challenge by booksellers, newspaper publishers and others of the status. State lawmakers specifically amended the initial statute in an attempt to address First Amendment issues and avoid litigation.

©2010 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

Citation: Ohio high court narrowly interprets anti-porn law (2010, January 27) retrieved 26 April 2024 from <https://phys.org/news/2010-01-ohio-high-court-narrowly-anti-porn.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is

provided for information purposes only.