

**A SUMMARY OF HOUSE BILL 5148 INTRODUCED 9-24-91**

Under Public Act 343 of 1984, which defines and prohibits the possession or dissemination of obscene material under certain circumstances, a person is guilty of a criminal offense when he or she manufactures, sells, lends, rents, publishes, exhibits, or leases obscene material, if dissemination of obscene material is a predominant and regular part of the person's business, and if obscene materials are a principal part of the stock in trade of that business. House Bill 5148 would amend the act to delete the requirement that the obscene materials need be a part of the person's business. The bill would also provide the following:

-- Define "contemporary community standards" to mean the customary limits of candor and decency in the neighborhood from which the jury was drawn at the time of a violation.

-- Define "knowledge of content and character" to mean simply having general knowledge of the nature and character of the material involved. (The bill would delete more specific language in the current definition.)

-- Include audiotapes, audiodisks, and computer tapes under the act's definition of material items that are capable of being used or adapted to arouse prurient interest.

-- Include, under the definition of "obscene," material that "the reasonable person" would find, taken as a whole, lacked serious literary, artistic, political, or scientific value.

-- Dispense with separate degrees of obscenity, and make obscenity a misdemeanor punishable by imprisonment for up to one year, or by a fine of not more than \$100,000, or both. A second or subsequent offense would be considered a felony, punishable by imprisonment for up to two years, and a fine of not less than \$50,000, and not more than \$5 million.

-- Repeal those provisions of the act that provide for advisory opinions of the attorney general and prosecuting attorneys and for declaratory judgments and advisory opinions as bars to prosecution.

-- Extend the act's exemption from the crime of obscenity to employees of public art museums.

MCL 752.362 et al.