



SENATE BILL No. 759

July 20, 1993, Introduced by Senators STABENOW, DINGELL and WELBORN and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 145d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 145d to read as follows:

4 SEC. 145D. (1) A PERSON WHO KNOWINGLY POSSESSES CHILD POR-
5 NOGRAPHY IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT
6 FÓR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$10,000.00,
7 OR BOTH, IF THAT PERSON KNOWS, HAS REASON TO KNOW, OR SHOULD
8 REASONABLY BE EXPECTED TO KNOW THAT THE CHILD IS A CHILD, OR THE
9 PERSON HAS NOT TAKEN REASONABLE PRECAUTIONS TO DETERMINE THE AGE

1 OF THE CHILD. THIS SECTION DOES NOT APPLY TO A PERSON WHO IS AN
2 INDIVIDUAL DESCRIBED IN SECTION 7 OF ACT NO. 343 OF THE PUBLIC
3 ACTS OF 1984, BEING SECTION 752.367 OF THE MICHIGAN COMPILED
4 LAWS, OR WHO IS A COMMERCIAL FILM OR PHOTOGRAPHIC PRINT PROCESSOR
5 REPORTING TO, OR ACTING AT THE DIRECTION OF, A PROSECUTING ATTOR-
6 NEY AS PROVIDED IN SECTION 145C.

7 (2) AS USED IN THIS SECTION:

8 (A) "CHILD" MEANS AN INDIVIDUAL WHO IS LESS THAN 18 YEARS OF
9 AGE.

10 (B) "CHILD PORNOGRAPHY" MEANS THE VISUAL DEPICTION OF SEXU-
11 ALLY EXPLICIT CONDUCT OF A CHILD.

12 (C) "SEXUALLY EXPLICIT CONDUCT" MEANS ANY OF THE FOLLOWING:

13 (i) ACTUAL OR SIMULATED SEXUAL INTERCOURSE INCLUDING, BUT
14 NOT LIMITED TO, GENITAL-GENITAL INTERCOURSE, ORAL-GENITAL INTER-
15 COURSE, ANAL-GENITAL INTERCOURSE, OR ORAL-ANAL INTERCOURSE,
16 WHETHER BETWEEN INDIVIDUALS OF THE SAME OR OPPOSITE SEX.

17 (ii) ACTUAL OR SIMULATED BESTIALITY.

18 (iii) MASTURBATION AS DEFINED IN SECTION 145C.

19 (iv) SADOMASOCHISTIC ABUSE AS DEFINED IN SECTION 145C.

20 (v) EROTIC FONDLING AS DEFINED IN SECTION 145C.

21 (vi) PASSIVE SEXUAL INVOLVEMENT AS DEFINED IN SECTION 145C.

22 (vii) SEXUAL EXCITEMENT AS DEFINED IN SECTION 145C.

23 (viii) LASCIVIOUS EXHIBITION OF THE GENITALS OR PUBIC AREA
24 OF ANY INDIVIDUAL.

25 (D) "VISUAL DEPICTION" INCLUDES 1 OR MORE OF THE FOLLOWING:

26 (i) A DEVELOPED OR UNDEVELOPED PHOTOGRAPH, FILM, SLIDE,
27 ELECTRONIC VISUAL IMAGE, COMPUTER DISKETTE, OR SOUND RECORDING.

1 (ii) A BOOK, MAGAZINE, OR OTHER VISUAL IMAGE OR PRINT MEDIUM
2 OR A SOUND RECORDING.

3 (iii) A REPRODUCTION, COPY, OR PRINT OF A PHOTOGRAPH, FILM,
4 SLIDE, ELECTRONIC VISUAL IMAGE, BOOK, MAGAZINE, OR OTHER VISUAL
5 IMAGE OR PRINT MEDIUM OR OF A SOUND RECORDING.

6 (3) THIS SECTION DOES NOT APPLY TO ORIGINAL WORKS OF ART OR
7 REPRODUCTIONS OF THOSE WORKS OF ART, EXCEPT PHOTOGRAPHS AND
8 VIDEOTAPES.