



SENATE BILL No. 168

January 31, 1995, Introduced by Senator SHUGARS and referred to the Committee on Judiciary.

A bill to amend Act No. 343 of the Public Acts of 1984, entitled

"An act to define and prohibit the possession or dissemination of obscene material under certain circumstances; to prohibit conduct related thereto; to provide penalties; to prohibit local units of government from enacting or enforcing any law, ordinance, or rule pertaining to matters under this act; and to repeal certain acts and parts of acts,"

as amended, being sections 752.361 to 752.374 of the Michigan Compiled Laws, by adding section 8a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 343 of the Public Acts of 1984, being
2 sections 752.361 to 752.374 of the Michigan Compiled Laws, is
3 amended by adding section 8a to read as follows:

4 SEC. 8A. (1) A PERSON SHALL NOT KNOWINGLY DISSEMINATE IN
5 THIS STATE MATERIAL THAT DEPICTS SEXUAL CONDUCT UNLESS HE OR SHE
6 HAS DONE 1 OR MORE OF THE FOLLOWING:

1 (A) AFFIXED TO THE MATERIAL A PERMANENT LABEL THAT DISPLAYS
2 HIS OR HER NAME AND ADDRESS IN LEGIBLE ENGLISH IN 8-POINT TYPE OR
3 LARGER.

4 (B) STAMPED ON THE MATERIAL IN INDELIBLE INK HIS OR HER NAME
5 AND ADDRESS IN LEGIBLE ENGLISH IN 8-POINT TYPE OR LARGER.

6 (C) IF THE MATERIAL CANNOT BE LABELED OR STAMPED AS PROVIDED
7 IN SUBDIVISION (A) OR (B), PLACED HIS OR HER NAME AND ADDRESS ON
8 THE MATERIAL IN SUCH A MANNER THAT WHEN THE MATERIAL IS VIEWED
9 HIS OR HER NAME AND ADDRESS WILL APPEAR TO THE VIEWER IN LEGIBLE
10 ENGLISH IN 8-POINT TYPE OR LARGER.

11 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), A PERSON WHO VIO-
12 LATES SUBSECTION (1) IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
13 IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR A FINE OF NOT MORE THAN
14 \$500.00, OR BOTH.

15 (3) A PERSON WHO COMMITS A SECOND OR SUBSEQUENT VIOLATION OF
16 SUBSECTION (1) IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT
17 FOR NOT MORE THAN 4 YEARS, OR BY A FINE OF NOT MORE THAN
18 \$2,000.00, OR BOTH.