



**House
Legislative
Analysis
Section**

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SEXUALLY EXPLICIT MATERIAL

House Bill 4979

Sponsor: Rep. Triette Reeves

Committee: Commerce

Complete to 5-13-02

A SUMMARY OF HOUSE BILL 4979 AS INTRODUCED 6-19-01

The bill would amend Public Act 33 of 1978, which prohibits the dissemination, exhibition, or display of sexually explicit material to minors, to prohibit the display, except in a "restricted area," of sexually explicit material that was harmful to minors. The bill would also specify the purpose of that prohibition, and revise provisions pertaining to dissemination via the Internet.

Under the bill, a person who possessed managerial responsibility for a business selling, renting, or otherwise distributing sexually explicit visual material that was harmful to minors could not display that material, knowing its nature, unless the person did so in a "restricted area". "Restricted area" would mean either 1) an area behind a counter, if access were limited only to employees who were not minors, and sexually explicit visual or verbal material were displayed only in devices that prevented public view of the lower two-thirds of the material's cover or exterior; or 2) a building, or a distinct and enclosed area or room designed to prevent a minor in a nonrestricted area from seeing into the enclosed area or room, if access by minors were prohibited, notice of the prohibition were prominently displayed, and access were monitored to prevent minors from entering.

The bill also would make an exception for a radio or television broadcaster licensed by the Federal Communications Commission (FCC), to the offense of displaying sexually explicit matter to a minor or knowingly disseminating sexually explicit matter to a minor.

In addition, the bill would redefine "sexually explicit performance" to include a performance that is characterized by an emphasis on specific sexual activity. The bill would also delete provisions under which the offenses do not apply if done by means of the Internet or a computer unless the matter is "obscene" or the prosecutor proves that the offender knowingly disseminated or displayed the matter to a minor. The bill also would delete exemptions for an Internet or computer network service provider who did not know the nature of the matter, and for a person who disseminated sexually explicit matter that is a public document or other material issued by a governmental entity.

MCL 722.671 et al.

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