



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

SEXUALLY EXPLICIT MATERIAL: DISPLAY IN RESTRICTED AREA

House Bill 4360
Sponsor: Rep. Triette Reeves
Committee: Commerce

Complete to 6-6-03

A SUMMARY OF HOUSE BILL 4360 AS INTRODUCED 3-18-03

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 of sexually explicit visual or verbal material except in a "restricted area".

Under the bill, a person who possessed managerial responsibility for a business selling sexually explicit visual material could not display that material, knowing its nature, unless the person did so in a "restricted area". The term "restricted area" would mean 1) an area behind a counter, if access is limited only to employees who are not minors, and sexually explicit visual or verbal material is displayed only in devices that prevent public view of the lower two-thirds of the material's cover or exterior; 2) a building, or a distinct and enclosed area or room within a building if access by minors is prohibited, notice of the prohibition is prominently displayed, and access is monitored to prevent minors from entering; or 3) an area with at least 75 percent of its perimeter surrounded by walls or solid, nontransparent dividers that are sufficiently high to prevent a minor in a nonrestricted area from seeing sexually explicit visual or verbal material within the perimeter if the point of access provides prominent notice that access to minors is prohibited. A violation would be misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$5,000 or both.

Dissemination. The term "dissemination" currently is defined in the act to mean to sell, lend, give, exhibit, or show, or to offer or agree to do the same. The bill would add "allow to examine" to the list of actions.

Provisions eliminated. The language of the bill would replace a number of existing provisions. Currently, the act says a person is guilty of displaying sexually explicit matter to a minor if that person possesses managerial responsibility for a business enterprise selling visual matter that depicts sexual intercourse or sadomasochistic abuse and is harmful to minors, and that person knowingly permits a minor who is not accompanied by a parent or guardian to examine that matter. This language would be replaced by the provision described earlier. The bill also would strike two related provisions further defining that offense.

MCL 722.671 and 722.677

Analyst: C. Couch

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.