



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 308 (Substitute S-1 as reported)  
Sponsor: Senator Dennis Olshove  
Committee: Judiciary

### **CONTENT**

The bill would amend Public Act 33 of 1978, which prohibits the dissemination, exhibiting, or displaying of sexually explicit matter to a minor (a person under 18), to limit an exception to that prohibition regarding dissemination by a parent or guardian to his or her child or ward.

Under the Act, a person is guilty of disseminating sexually explicit matter to a minor if he or she either knowingly disseminates to a minor sexually explicit visual or verbal material that is harmful to minors or knowingly exhibits to a minor a sexually explicit performance that is harmful to minors. A violation is a felony punishable by up to two years' imprisonment, a maximum fine of \$10,000, or both. The prohibition does not apply, however, to a parent or guardian who disseminates sexually explicit matter to his or her child or ward. Under the bill, that exception would not apply if the dissemination were for the sexual gratification of the parent or guardian.

The bill would take effect on February 1, 2006.

MCL 722.676

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted as a result of limiting the exception for parents and guardians. Local governments would incur the cost of incarceration in local facilities, which varies by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$30,000.

Date Completed: 10-12-05

Fiscal Analyst: Mike Hansen