



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 (as introduced 3-15-05)
Sponsor: Senator Dennis Olshove
Committee: Judiciary

Date Completed: 10-10-05

CONTENT

The bill would amend Public Act 33 of 1978, which prohibits the dissemination, exhibiting, or displaying of sexually explicit matter to minors, 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.

"Sexually explicit matter" includes sexually explicit visual material, sexually explicit verbal material, or a sexually explicit performance, all of which are defined in the Act. "Disseminate" means to sell, lend, give, exhibit, show, or allow to examine or to offer or agree to sell, lend, give, exhibit, show, or allow to examine. "Minor" means a person under 18 years of age.

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 vary 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.

Fiscal Analyst: Mike Hansen

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