



Senate Fiscal Agency  
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**BILL ANALYSIS**

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Senate Bill 463 (as reported with amendments)  
Sponsor: Senator Gerald Van Woerkom  
Committee: Judiciary

**CONTENT**

The bill would amend Public Act 33 of 1978, which prohibits disseminating, exhibiting, or displaying sexually explicit matter to minors, to extend the prohibition to video games that depicted sexually explicit material. The bill would take effect on December 1, 2005.

Under the Act, "sexually explicit matter" means a sexually explicit performance or sexually explicit visual material. The bill would include in the Act's definitions of "sexually explicit performance" and "sexually explicit visual material" a video game that depicted nudity, sexual excitement, erotic fondling, sexual intercourse, or sadomasochistic abuse.

The bill is tie-barred to Senate Bills 249, 416, and 464 and House Bills 4702 and 4703. (Senate Bill 249 (S-4) would amend the Michigan Penal Code to prohibit selling or renting a violent video game to a minor. Senate Bill 416 (S-4) would amend Public Act 33 to prohibit disseminating to a minor ultra-violent explicit visual matter or an ultra-violent video game that is harmful to minors. Senate Bill 464 (S-2) would add a good faith defense to Public Act 33. House Bills 4702 (H-1) would add video games to the definitions of "sexually explicit performance" and "sexually explicit visual material" in Public Act 33. House Bill 4703 (H-1) would require video game retailers to post signs regarding a rating system.)

MCL 722.673

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. According to the Department of Corrections Statistical Report, in 2002, five offenders were convicted of felony distribution of sexually explicit matter; there are no statewide data available for similar misdemeanors. Of those five felony offenders, two received prison sentences, one received a jail sentence, and two received probation. There are no data to indicate the extent to which the number of either felony or misdemeanor dispositions would change if video games were included as sexually explicit matter.

Local units would incur any increased costs for misdemeanor probation and incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an average annual cost of \$2,000 per offender, as well as the cost of incarceration in a State facility at an average annual cost of \$28,000 per offender. Public libraries would benefit from any additional penal fine revenue.

Date Completed: 5-11-05

Fiscal Analyst: Bethany Wicksall

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