



Senate Fiscal Agency
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**BILL ANALYSIS**

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House Bill 4702 (Substitute H-1 as reported with amendment)

Sponsor: Representative Phil Pavlov

House Committee: Judiciary

Senate 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.

The Act defines "sexually explicit matter" as a sexually explicit performance, sexually explicit visual material, or sexually explicit verbal 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.

Under the Act, disseminating sexually explicit matter to a minor is a felony punishable by up to two years' imprisonment and/or a maximum fine of \$10,000. Displaying sexually explicit matter to a minor is a misdemeanor punishable by up to 93 days' imprisonment and/or a maximum fine of \$5,000. Facilitative misrepresentation (knowingly making a false representation that a person is a minor's parent or guardian, or that a minor is at least 18, with the intent to facilitate the dissemination of sexually explicit matter to a minor) is a misdemeanor punishable by up to 90 days' imprisonment and/or a maximum fine of \$5,000.

MCL 722.673

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

To the extent that expanding sexually explicit visual material to include video games would increase the number of violations of the Act, the bill would increase State and local corrections costs. There are no available data to indicate how many additional offenders would be convicted under the proposed change. Local units would incur the additional costs of misdemeanor probation and incarceration in local facilities, both of which vary by county. The State would incur any additional costs 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.

Date Completed: 5-25-05

Fiscal Analyst: Bethany Wicksall