

**SUBSTITUTE FOR
HOUSE BILL NO. 4702**

A bill to amend 1978 PA 33, entitled

"An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,"

by amending section 3 (MCL 722.673), as amended by 2003 PA 192.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

2 (a) "Sexually explicit matter" means sexually explicit visual
3 material, sexually explicit verbal material, or sexually explicit
4 performance.

5 (b) "Sexually explicit performance" means a motion picture,

1 **VIDEO GAME**, exhibition, show, representation, or other presentation
2 that, in whole or in part, depicts nudity, sexual excitement,
3 erotic fondling, sexual intercourse, or sadomasochistic abuse.

4 (c) "Sexually explicit verbal material" means a book,
5 pamphlet, magazine, printed matter reproduced in any manner, or
6 sound recording that contains an explicit and detailed verbal
7 description or narrative account of sexual excitement, erotic
8 fondling, sexual intercourse, or sadomasochistic abuse.

9 (d) "Sexually explicit visual material" means a picture,
10 photograph, drawing, sculpture, motion picture film, **VIDEO GAME**, or
11 similar visual representation that depicts nudity, sexual
12 excitement, erotic fondling, sexual intercourse, or sadomasochistic
13 abuse, or a book, magazine, or pamphlet that contains such a visual
14 representation. An undeveloped photograph, mold, or similar visual
15 material may be sexually explicit material notwithstanding that
16 processing or other acts may be required to make its sexually
17 explicit content apparent.

18 (E) "VIDEO GAME" MEANS AN OBJECT OR DEVICE THAT STORES
19 RECORDED DATA OR INSTRUCTIONS GENERATED BY A PERSON WHO USES IT,
20 AND BY PROCESSING THE DATA OR INSTRUCTIONS CREATES AN INTERACTIVE
21 GAME CAPABLE OF BEING PLAYED, VIEWED, OR EXPERIENCED ON OR THROUGH
22 A COMPUTER, GAMING SYSTEM, GAME CONSOLE, OR OTHER TECHNOLOGY.