

**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,

House Bill No. 4702 as amended May 31, 2005

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

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

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

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

<<Enacting section 1. This amendatory act takes effect December 1, 2005.>>