SENATE BILL No. 463

(As amended, May 11, 2005)

May 5, 2005, Introduced by Senators VAN WOERKOM and CROPSEY and referred to the Committee on Judiciary.

        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:

    Sec. 3. As used in this <<act **PART**>>:

1   (A) "COMPUTER" MEANS ANY CONNECTED, DIRECTLY INTEROPERABLE OR

2   INTERACTIVE DEVICE, EQUIPMENT, OR FACILITY THAT USES A COMPUTER

3   PROGRAM OR OTHER INSTRUCTIONS TO PERFORM SPECIFIC OPERATIONS

4   INCLUDING LOGICAL, ARITHMETIC, OR MEMORY FUNCTIONS WITH OR ON

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1 **COMPUTER DATA OR A COMPUTER PROGRAM AND THAT CAN STORE, RETRIEVE,**

2 **ALTER, OR COMMUNICATE THE RESULTS OF THE OPERATIONS TO A PERSON,**

3 **COMPUTER PROGRAM, COMPUTER, COMPUTER SYSTEM, OR COMPUTER NETWORK.**

4 **(B) "COMPUTER NETWORK" MEANS THE INTERCONNECTION OF HARDWIRE**

5 **OR WIRELESS COMMUNICATION LINES WITH A COMPUTER THROUGH REMOTE**

6 **TERMINALS, OR A COMPLEX CONSISTING OF 2 OR MORE INTERCONNECTED**

7 **COMPUTERS.**

8 **(C) "COMPUTER PROGRAM" MEANS A SERIES OF INTERNAL OR EXTERNAL**

9 **INSTRUCTIONS COMMUNICATED IN A FORM ACCEPTABLE TO A COMPUTER THAT**

10 **DIRECTS THE FUNCTIONING OF A COMPUTER, COMPUTER SYSTEM, OR COMPUTER**

11 **NETWORK IN A MANNER DESIGNED TO PROVIDE OR PRODUCE PRODUCTS OR**

12 **RESULTS FROM THE COMPUTER, COMPUTER SYSTEM, OR COMPUTER NETWORK.**

13 **(D) "COMPUTER SYSTEM" MEANS A SET OF RELATED, CONNECTED OR**

14 **UNCONNECTED, COMPUTER EQUIPMENT, DEVICES, SOFTWARE, OR HARDWARE.**

15 **(E) "DEVICE" INCLUDES, BUT IS NOT LIMITED TO, AN ELECTRONIC,**

16 **MAGNETIC, ELECTROCHEMICAL, BIOCHEMICAL, HYDRAULIC, OPTICAL, OR**

17 **ORGANIC OBJECT THAT PERFORMS INPUT, OUTPUT, OR STORAGE FUNCTIONS BY**

18 **THE MANIPULATION OF ELECTRONIC, MAGNETIC, OR OTHER IMPULSES.**

19 **(F)** ~~(a)~~ "Sexually explicit matter" means sexually explicit

20 visual material, sexually explicit verbal material, or sexually

21 explicit performance.

22 **(G)** ~~(b)~~ "Sexually explicit performance" means a motion

23 picture, **VIDEO GAME,** exhibition, show, representation, or other

24 presentation that, in whole or in part, depicts nudity, sexual

25 excitement, erotic fondling, sexual intercourse, or sadomasochistic

26 abuse.

27 **(H)** ~~(c)~~ "Sexually explicit verbal material" means a book,

1 pamphlet, magazine, printed matter reproduced in any manner, or

2 sound recording that contains an explicit and detailed verbal

3 description or narrative account of sexual excitement, erotic

4 fondling, sexual intercourse, or sadomasochistic abuse.

5 **(I)** ~~(d)~~ "Sexually explicit visual material" means a picture,

6 photograph, drawing, sculpture, motion picture film, **VIDEO GAME,** or

7 similar visual representation that depicts nudity, sexual

8 excitement, erotic fondling, sexual intercourse, or sadomasochistic

9 abuse, or a book, magazine, or pamphlet that contains such a visual

10 representation. An undeveloped photograph, mold, or similar visual

11 material may be sexually explicit material notwithstanding that

12 processing or other acts may be required to make its sexually

13 explicit content apparent.

14 **(J) "VIDEO GAME" MEANS A COMPUTER OR OTHER << >> DEVICE**

15 **OR COMPUTER PROGRAM THAT STORES OR RECEIVES DATA OR INSTRUCTIONS**

16 **GENERATED BY A PERSON USING THE DEVICE OR PROGRAM, AND BY**

17 **PROCESSING THE DATA OR INSTRUCTIONS, CREATES AN INTERACTIVE GAME**

18 **CAPABLE OF BEING PLAYED, VIEWED, OR OTHERWISE EXPERIENCED BY AN**

19 **INDIVIDUAL.**

20 Enacting section 1. This amendatory act takes effect December

21 1, 2005.

<<Enacting section 2. This amendatory act does not take effect
unless all of the following bills of the 93rd Legislature are enacted
into law:
(a) Senate Bill No. 249.
(b) Senate Bill No. 416.
(c) Senate Bill No. 464.
(d) House Bill No. 4702.
(e) House Bill No. 4703.>>