

# HOUSE BILL No. 4702

May 3, 2005, Introduced by Rep. Pavlov 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:

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 ELECTRONIC GAME PLAYED BY MEANS OF**  
19 **IMAGES ON A VIDEO SCREEN.**