

# SENATE BILL No. 308

March 15, 2005, Introduced by Senators OLSHOVE, SCHAUER, BASHAM, GOSCHKA, KUIPERS, CHERRY, HARDIMAN, BISHOP, LELAND and BERNERO 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 6 (MCL 722.676), as amended by 2003 PA 192.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 6. Section 5 does not apply to the dissemination of  
2 sexually explicit matter to a minor by any of the following:

3           (a) A parent or guardian who disseminates sexually explicit  
4 matter to his or her child or ward **UNLESS THE DISSEMINATION IS FOR**  
5 **THE SEXUAL GRATIFICATION OF THE PARENT OR GUARDIAN OR THE CHILD OR**  
6 **WARD.**

1 (b) A teacher or administrator at a public or private  
2 elementary or secondary school that complies with the revised  
3 school code, 1976 PA 451, MCL 380.1 to 380.1852, and who  
4 disseminates sexually explicit matter to a student as part of a  
5 school program permitted by law.

6 (c) A licensed physician or licensed psychologist who  
7 disseminates sexually explicit matter in the treatment of a  
8 patient.

9 (d) A librarian employed by a library of a public or private  
10 elementary or secondary school that complies with the revised  
11 school code, 1976 PA 451, MCL 380.1 to 380.1852, or employed by a  
12 public library, who disseminates sexually explicit matter in the  
13 course of that person's employment.

14 (e) Any public or private college or university or any other  
15 person who disseminates sexually explicit matter for a legitimate  
16 medical, scientific, governmental, or judicial purpose.

17 (f) A person who disseminates sexually explicit matter that is  
18 a public document, publication, record, or other material issued by  
19 a state, local, or federal official, department, board, commission,  
20 agency, or other governmental entity, or an accurate republication  
21 of such a public document, publication, record, or other material.