

SENATE BILL NO. 108

January 27, 1999, Introduced by Senators V. SMITH, YOUNG,
SCHUETTE, HART and MC MANUS 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 cer-
tain misrepresentations facilitating the dissemination of sexu-
ally 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 5 (MCL 722.675).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) A person ~~is guilty of distributing obscene~~
2 ~~matter to a minor if that person does~~ SHALL NOT DO either of the
3 following:

4 (a) Knowingly ~~disseminates~~ DISSEMINATE to a minor sexually
5 explicit visual or verbal material that is harmful to minors.

6 (b) Knowingly ~~exhibits~~ EXHIBIT to a minor a sexually
7 explicit performance that is harmful to minors.

1 (2) A person knowingly disseminates sexually explicit matter
2 to a minor ~~when~~ IF the person knows both the nature of the
3 matter and the status of the minor to whom the matter is
4 disseminated.

5 (3) A person knows the nature of matter if the person either
6 is aware of ~~the~~ ITS character and content ~~of the matter~~ or
7 recklessly disregards circumstances suggesting ~~the~~ ITS charac-
8 ter and content. ~~of the matter.~~

9 (4) A person knows the status of a minor if the person
10 either is aware that the person to whom the dissemination is made
11 is under 18 years of age or recklessly disregards a substantial
12 risk that the person to whom the dissemination is made is under
13 18 years of age.

14 (5) ~~Distributing obscene matter to a minor~~ A PERSON WHO
15 VIOLATES SUBSECTION (1) is GUILTY OF a ~~misdemeanor,~~ FELONY pun-
16 ishable by imprisonment for not more than ~~2~~ 5 years or a fine
17 of not more than \$10,000.00, or both. In imposing the fine,
18 ~~authorized for this offense,~~ the court shall consider the scope
19 of the defendant's commercial activity in ~~distributing obscene~~
20 DISSEMINATING SEXUALLY EXPLICIT matter to minors.