

**SENATE BILL NO. 792**

October 6, 1999, Introduced by Senators HAMMERSTROM and  
MC COTTER 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 1999 PA 33.

**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.

5       (b) A teacher or administrator at a public or private  
6 elementary or secondary school that complies with the revised  
7 school code, 1976 PA 451, MCL 380.1 to 380.1852, and who

1 disseminates sexually explicit matter to a student as part of a  
2 school program permitted by law.

3 (c) A licensed physician or licensed psychologist who dis-  
4 seminate sexually explicit matter in the treatment of a  
5 patient.

6 (d) A librarian ~~employed by a library of a public or pri-~~  
7 ~~vate elementary or secondary school that complies with the~~  
8 ~~revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or~~  
9 ~~employed by a public library,~~ who disseminates sexually explicit  
10 matter in the course of that person's employment WITH ANY OF THE  
11 FOLLOWING:

12 (i) A LIBRARY OF A PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY  
13 SCHOOL THAT COMPLIES WITH THE REVISED SCHOOL CODE, 1976 PA 451,  
14 MCL 380.1 TO 380.1852.

15 (ii) A PUBLIC LIBRARY, INCLUDING, BUT NOT LIMITED TO, A  
16 LIBRARY ESTABLISHED BY A PUBLIC OR PRIVATE COMMUNITY COLLEGE,  
17 COLLEGE, OR UNIVERSITY.

18 (iii) A LIBRARY ESTABLISHED BY A PUBLIC OR PRIVATE COMMUNITY  
19 COLLEGE, COLLEGE, OR UNIVERSITY THAT IS NOT A PUBLIC LIBRARY.

20 (e) ~~Any~~ A public or private college or university or ~~any~~  
21 ~~other~~ ANOTHER person who disseminates sexually explicit matter  
22 for a legitimate medical, scientific, governmental, or judicial  
23 purpose.

24 (f) A person who disseminates sexually explicit matter that  
25 is a public document, publication, record, or other material  
26 issued by a state, local, or federal official, department, board,  
27 commission, agency, or other governmental entity, or an accurate

1 republication of such a public document, publication, record, or  
2 other material.