

**DISSEMINATING, EXHIBITING, OR DISPLAYING SEXUALLY EXPLICIT MATTER TO MINORS
(EXCERPT)
Act 33 of 1978**

722.677 Displaying sexually explicit matter to minor; misdemeanor; penalty.

Sec. 7.

(1) A person is guilty of displaying sexually explicit matter to a minor if that person possesses managerial responsibility for a business enterprise selling sexually explicit visual material that visually depicts sexual intercourse or sadomasochistic abuse and is harmful to minors, and that person does either of the following:

- (a) Knowingly permits a minor who is not accompanied by a parent or guardian to view that matter.
- (b) Displays that matter knowing its nature, unless the person does so in a restricted area.

(2) A person knowingly permits a minor to view visual matter that depicts sexual intercourse or sadomasochistic abuse and is harmful to minors if the person knows both the nature of the matter and the status of the minor permitted to examine the matter.

(3) A person knows the nature of the matter if the person either is aware of its character and content or recklessly disregards circumstances suggesting its character and content.

(4) A person knows the status of a minor if the person either is aware that the person who is permitted to view the matter is under 18 years of age or recklessly disregards a substantial risk that the person who is permitted to view the matter is under 18 years of age.

(5) A person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$5,000.00, or both.

History: 1978, Act 33, Eff. June 1, 1978 ;-- Am. 1999, Act 33, Eff. Aug. 1, 1999 ;-- Am. 2003, Act 192, Eff. Jan. 1, 2004

Constitutionality: Act 33 of 1999 violates the First Amendment and the Dormant Commerce Clause of the US Constitution. Defendants are permanently restrained and enjoined from enforcing any provisions of 1999 PA 33. *Cyberspace Communications, Inc v Engler*, 142 F Supp 2d 827 (ED Mich, 2001).