

HOUSE BILL No. 4653

April 13, 1989, Introduced by Reps. Palamara, Porreca, Stupak, DeMars, Pridnia, Rocca, Webb, Bartnik, Hart, Gnodtke, Wartner, Strand, Pitoniak, Miller, Nye, Emmons, Middaugh, Hoekman, Bender, Stopczynski, DeLange, Stacey, Maynard, Martin, London, Oxender, Ouwinga, Jaye, Trim, Owen, Gilmer, Munsell, Van Regenmorter, Saunders, Weeks, Dolan, Sikkema, Camp, Bankes, Fitzgerald, Bandstra, Krause and Van Singel and referred to the Committee on Judiciary.

A bill to amend section 7 of Act No. 33 of the Public Acts of 1978, 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,"

being section 722.677 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7 of Act No. 33 of the Public Acts of
2 1978, being section 722.677 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 7. (1) A person is guilty of displaying obscene
5 matter to a minor if ~~that~~ THE person possesses managerial
6 responsibility for a business enterprise selling visual matter

1 ~~which~~ THAT depicts sexual intercourse or sadomasochistic abuse
2 and ~~which~~ THAT is harmful to minors, and ~~that~~ EITHER OF THE
3 FOLLOWING APPLIES:

4 (A) THE person knowingly permits a minor who is not accom-
5 panied by a parent or guardian to examine ~~that~~ THE matter.

6 (B) THE MATTER IS KNOWINGLY DISPLAYED IN SUCH A MANNER THAT
7 IT IS VISIBLE OR ACCESSIBLE TO A MINOR.

8 (2) A person knowingly permits a minor to examine visual
9 matter ~~which~~ THAT depicts sexual intercourse or sadomasochistic
10 abuse and ~~which~~ THAT is harmful to minors, if the person knows
11 both the nature of the matter and the status of the minor permit-
12 ted to examine the matter.

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

17 (4) A person knows the status of a minor if the person
18 either is aware that the person who is permitted to examine the
19 matter is under 18 years of age or recklessly disregards a sub-
20 stantial risk that the person who is permitted to examine the
21 matter is under 18 years of age.

22 (5) Displaying obscene matter to a minor is a misdemeanor,
23 punishable by imprisonment for not more than 90 days, or a fine
24 of not more than \$5,000.00, or both.

25 Section 2. This amendatory act shall take effect July 1,
26 1989.