

SENATE BILL No. 919

December 5, 2001, Introduced by Senators HART, MURPHY, PETERS, DINGELL, KOIVISTO, SCOTT and YOUNG and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 141b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 141B. (1) A PERSON SHALL NOT SELL OR PROVIDE AN ADMIT-
2 TANCE TICKET TO AN INDIVIDUAL UNDER 17 YEARS OLD OR ADMIT AN
3 INDIVIDUAL UNDER 17 YEARS OLD INTO A MOTION PICTURE THEATER THAT
4 IS EXHIBITING A MOTION PICTURE THAT IS EITHER OF THE FOLLOWING:

5 (A) AN NC-17-RATED MOTION PICTURE.

6 (B) AN R-RATED MOTION PICTURE, UNLESS THE INDIVIDUAL UNDER
7 17 YEARS OLD IS ACCOMPANIED TO THE R-RATED FILM BY HIS OR HER
8 PARENT OR GUARDIAN.

9 (2) AN OPERATOR SHALL POST A CONSPICUOUS NOTICE THAT
10 CONTAINS ALL OF THE FOLLOWING AT EACH MOTION PICTURE THEATER
11 FACILITY ENTRANCE AND EACH MOTION PICTURE THEATER ENTRANCE:

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1 (A) A STATEMENT THAT AN INDIVIDUAL UNDER THE AGE OF 17 MAY
2 NOT PURCHASE A TICKET TO OR ATTEND AN NC-17-RATED MOTION
3 PICTURE.

4 (B) A STATEMENT THAT AN INDIVIDUAL UNDER THE AGE OF 17 MAY
5 NOT PURCHASE A TICKET TO OR ATTEND AN R-RATED MOTION PICTURE
6 UNLESS ACCOMPANIED TO THE R-RATED MOTION PICTURE BY HIS OR HER
7 PARENT OR GUARDIAN.

8 (C) A TOLL-FREE TELEPHONE NUMBER THAT AN INDIVIDUAL MAY USE
9 TO REPORT A VIOLATION OF THIS SECTION TO THE OPERATOR.

10 (3) A PERSON THAT SELLS ADMITTANCE TICKETS TO OR WHO ADMITS
11 INDIVIDUALS INTO A MOTION PICTURE THEATER THAT IS EXHIBITING AN
12 NC-17-RATED MOTION PICTURE OR R-RATED MOTION PICTURE MAY DEMAND
13 PROOF OF AGE FROM A PROSPECTIVE MOTION PICTURE TICKET PURCHASER
14 OR INDIVIDUAL IN THE MOTION PICTURE THEATER.

15 (4) IF A VIOLATION OF SUBSECTION (1) OCCURS AT A MOTION PIC-
16 TURE THEATER FACILITY, THE OPERATOR MAY BE FOUND GUILTY OF THE
17 VIOLATION, EVEN IF THE OPERATOR WAS NOT THE PERSON WHO SOLD OR
18 PROVIDED A TICKET TO OR WHO ADMITTED AN INDIVIDUAL UNDER THE AGE
19 OF 17 INTO THE MOTION PICTURE THEATER.

20 (5) AN OPERATOR OR OTHER PERSON THAT VIOLATES SUBSECTION (1)
21 OR AN OPERATOR THAT VIOLATES SUBSECTION (2) IS GUILTY OF A MISDE-
22 MEANOR PUNISHABLE AS FOLLOWS:

23 (A) FOR A FIRST VIOLATION, BY A FINE OF \$250.00.

24 (B) FOR A SECOND VIOLATION OCCURRING WITHIN 12 MONTHS OF THE
25 FIRST VIOLATION, BY A FINE OF \$500.00.

1 (C) FOR A THIRD OR SUBSEQUENT VIOLATION OCCURRING WITHIN 12
2 MONTHS OF THE MOST RECENT PRIOR VIOLATION, BY A FINE OF
3 \$1,000.00.

4 (6) IT IS AN AFFIRMATIVE DEFENSE TO A PROSECUTION FOR A VIO-
5 LATION OF SUBSECTION (1) THAT THE INDIVIDUAL UNDER 17 YEARS OLD
6 PRESENTED PHOTO IDENTIFICATION AS PROOF OF AGE THAT WOULD HAVE
7 LED A REASONABLE PERSON TO BELIEVE THAT THE INDIVIDUAL UNDER THE
8 AGE OF 17 WAS 17 YEARS OLD OR OLDER.

9 (7) SUBJECT TO SUBSECTION (8), IT IS AN AFFIRMATIVE DEFENSE
10 TO A PROSECUTION OF AN OPERATOR FOR A VIOLATION OF SUBSECTION (1)
11 THAT, BEFORE THE DATE OF THE ALLEGED VIOLATION, THE OPERATOR
12 ADOPTED AND ENFORCED A WRITTEN POLICY THAT REFLECTS THE OBLIGA-
13 TIONS OF AN OPERATOR AND OTHER PERSONS DESCRIBED IN THIS SECTION
14 AND DID ALL OF THE FOLLOWING:

15 (A) INFORMED ALL EMPLOYEES OF THE WRITTEN POLICY.

16 (B) REQUIRED EMPLOYEES TO SIGN A FORM INDICATING THAT THEY
17 HAD BEEN INFORMED OF AND UNDERSTOOD THE WRITTEN POLICY.

18 (C) REQUIRED EMPLOYEES TO VERIFY THE AGE OF TICKET BUYERS
19 AND HOLDERS IN ACCORD WITH THE WRITTEN POLICY.

20 (D) ESTABLISHED AND ENFORCED DISCIPLINARY SANCTIONS FOR NON-
21 COMPLIANCE WITH THE WRITTEN POLICY.

22 (8) AN OPERATOR MAY NOT ASSERT THE AFFIRMATIVE DEFENSE
23 DESCRIBED IN SUBSECTION (7) IN MORE THAN 2 PROSECUTIONS FOR VIO-
24 LATIONS OF SUBSECTION (1) WITHIN ANY 12-MONTH PERIOD.

25 (9) AS USED IN THIS ACT:

26 (A) "MOTION PICTURE THEATER" MEANS A ROOM OR ENCLOSURE IN
27 WHICH A MOTION PICTURE IS SHOWN.

1 (B) "MOTION PICTURE THEATER FACILITY" MEANS A BUILDING OR
2 PART OF A BUILDING THAT CONTAINS 1 OR MORE MOTION PICTURE THE-
3 ATERS AND AREAS USED FOR RELATED ACTIVITIES, IF ANY, INCLUDING,
4 BUT NOT LIMITED TO, LOBBIES, TICKET SALES AREAS, OR CONCESSION
5 STANDS.

6 (C) "NC-17-RATED MOTION PICTURE" MEANS A MOTION PICTURE
7 RATED NC-17 BY THE FILM RATING BOARD OF THE CLASSIFICATION AND
8 RATING ADMINISTRATION SPONSORED BY THE MOTION PICTURE ASSOCIATION
9 OF AMERICA AND THE NATIONAL ASSOCIATION OF THEATRE OWNERS.

10 (D) "OPERATOR" MEANS THE OWNER, PROPRIETOR, FRANCHISEE,
11 OPERATOR, MANAGER, OR OTHER PERSON IN CHARGE OF A MOTION PICTURE
12 THEATER FACILITY.

13 (E) "R-RATED MOTION PICTURE" MEANS A MOTION PICTURE RATED R
14 BY THE FILM RATING BOARD OF THE CLASSIFICATION AND RATING ADMIN-
15 ISTRATION SPONSORED BY THE MOTION PICTURE ASSOCIATION OF AMERICA
16 AND THE NATIONAL ASSOCIATION OF THEATRE OWNERS.