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HOUSE BILL NO. 234

INTRODUCED BY B. PHALEN, J. SCHILLINGER, S. ESSMANN, B. MITCHELL, B. LER, G. OBLANDER, J. BERGSTROM, G. KMETZ

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING THE PUBLIC DISPLAY OR DISSEMINATION OF OBSCENE MATERIAL TO MINORS; REMOVING EXCEPTIONS FOR EMPLOYEES OF PUBLIC SCHOOLS, COLLEGES, AND UNIVERSITIES; REMOVING EXCEPTIONS FOR OFFICERS AND EMPLOYEES OF PUBLIC LIBRARIES AND MUSEUMS; REMOVING EXCEPTIONS FOR CERTAIN RETAIL SALES CLERKS; AND AMENDING SECTION 45-8-206, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-8-206, MCA, is amended to read:

"45-8-206. Public display or dissemination of obscene material to minors. (1) A person having custody, control, or supervision of any commercial establishment or newsstand may not knowingly or purposely:

- (a) display obscene material to minors in such a way that minors, as a part of the invited public, will be able to view the material. However, a person is considered not to have displayed obscene material to minors if the material is kept behind devices commonly known as blinder racks so that the lower two-thirds of the material is not exposed to view or other reasonable efforts were made to prevent view of the material by a minor.
- (b) sell, furnish, present, distribute, or otherwise disseminate to a minor or allow a minor to view, with or without consideration, any obscene material; or
- (c) present to a minor or participate in presenting to a minor, with or without consideration, any performance that is obscene to minors.

(2) A person does not violate this section if:

- ~~(a)~~ the person had reasonable cause to believe the minor was 18 years of age. "Reasonable cause" includes but is not limited to being shown a draft card, driver's license, marriage license, birth certificate,

1 educational identification card, governmental identification card, tribal identification card, or other official or
2 apparently official card or document purporting to establish that the person is 18 years of age;

3 ~~(b) the person is, or is acting as, an employee of a bona fide public school, college, or university or~~
4 ~~a retail outlet affiliated with and serving the educational purposes of a school, college, or university and the~~
5 ~~material or performance was disseminated in accordance with policies approved by the governing body of the~~
6 ~~institution;~~

7 ~~(c) the person is an officer, director, trustee, or employee of a public library or museum and the~~
8 ~~material or performance was acquired by the library or museum and disseminated in accordance with policies~~
9 ~~approved by the governing body of the library or museum;~~

10 ~~(d)(c) an exhibition in a state of nudity is for a bona fide scientific or medical purpose for a bona fide~~
11 ~~school, library, or museum; or~~

12 ~~(e)(d) the person is a retail sales clerk with no financial interest in the material or performance or in~~
13 ~~the establishment displaying or selling the material or performance."~~

14 - END -