

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 1100 (Substitute S-1 as reported)
Sponsor: Senator Dale L. Shugars
Committee: Families, Mental Health and Human Services

CONTENT

The bill would create a new act to allow local units of government to restrict the attendance of minors at concerts determined to be "harmful to minors". "Harmful to minors" would mean any material that met all of the following:

- The average adult person, applying contemporary community standards, would find that the material, when considered as a whole, appealed to the prurient interests of minors.
- The material depicted or described, in an explicit and patently offensive manner by prevailing standards in the adult community with respect to what was suitable for minors, any of the following: ultimate sexual acts, normal or perverted, actual or simulated; masturbation, fellatio, cunnilingus, bestiality, excretory functions, lewd exhibition of the genitals or genital area, sexually explicit conduct, sexual excitement, or sexually explicit nudity; or acts that were violent or destructive, including but not limited to human or animal mutilation, dismemberment, murder, suicide, rape, torture, or illegal use of drugs.
- When considered as a whole, and in the context for which it was used, the material lacked serious literary, artistic, political, or scientific value for minors.

Based on a performer's past performances or recordings, the governing board of a city, village, or township could, by resolution, determine that a live performance at a music venue within the city, village, or township was harmful to minors. The governing board could not approve a resolution if the performer agreed in a contract not to perform any material that was harmful to minors. If the owner or operator of a music venue objected to a resolution, the owner or operator could demand that the dispute be submitted to arbitration.

If governing board approved a resolution and notified the owner or operator of the music venue within a reasonable time period before the performance, a minor could not be admitted to the performance unless accompanied by an adult at least 21 years old; and tickets sold for the concert, as well as print and electronic advertisements, would have to contain a notice that minors would not be admitted unless accompanied by an adult at least 21 years old.

A violation of the bill would be a misdemeanor, punishable by up to 90 days' imprisonment, a maximum fine of \$5,000, or both.

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 5-26-98

Fiscal Analyst: R. Ross

[floor/sb1100](#)

Analysis available @ <http://www.michiganlegislature.org>

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.