

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bill 1100 (as introduced 5-5-98)  
Sponsor: Senator Dale L. Shugars  
Committee: Families, Mental Health and Human Services

Date Completed: 5-20-98

### **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”; provide for the regulation of the operation of certain music venues, when a performance would be harmful to minors; and prescribe penalties for violations of those regulations.**

“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, lacked serious literary, artistic, political, or scientific value for minors.

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 determination would have to be based on the performer’s past performances or recordings. The governing board could not approve a resolution, however, if the owner or operator of the music venue or the performer submitted to the board evidence of a contract between the owner or operator and the performer in which the performer agreed not to perform any material that was harmful to minors.

If a local unit’s governing board approved a resolution determining that a performance was harmful to minors and notified the owner or operator of the music venue at least 30 days before the performance, the owner or operator would have to comply with all of the following:

- A minor could not be admitted to the performance unless accompanied by his or her parent or guardian.
- Tickets that were sold for the performance would have to contain a notice on them that minors would not be admitted unless accompanied by a parent or guardian.
- Print advertisements for the performance would have to contain a notice that minors would not be admitted unless accompanied by a parent or guardian.

- Electronic advertisements would have to include a statement that minors would not be admitted unless accompanied by a parent or guardian.

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: P. Affholter

### **FISCAL IMPACT**

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

Fiscal Analyst: R. Ross