

SENATE BILL No. 104

January 29, 2003, Introduced by Senator HAMMERSTROM and referred to the Committee on Judiciary.

A bill to amend 1978 PA 33, 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,"

by amending section 6 (MCL 722.676), as amended by 1999 PA 33.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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1 Sec. 6. Section 5 does not apply to the dissemination of
2 sexually explicit matter to a minor by any of the following:

3 (a) A parent or guardian who disseminates sexually explicit
4 matter to his or her child or ward.

5 (b) A teacher or administrator at a public or private
6 elementary or secondary school that complies with the revised
7 school code, 1976 PA 451, MCL 380.1 to 380.1852, and who

1 disseminates sexually explicit matter to a student as part of a
2 school program permitted by law.

3 (c) A licensed physician or licensed psychologist who
4 disseminates sexually explicit matter in the treatment of a
5 patient.

6 (d) A librarian ~~employed by a library of a public or private~~
7 ~~elementary or secondary school that complies with the revised~~
8 ~~school code, 1976 PA 451, MCL 380.1 to 380.1852, or employed by a~~
9 ~~public library,~~ who disseminates sexually explicit matter in the
10 course of that person's employment ~~—~~ **with any of the**
11 **following:**

12 (i) **A library of a public or private elementary or secondary**
13 **school that complies with the revised school code, 1976 PA 451,**
14 **MCL 380.1 to 380.1852.**

15 (ii) **A public library, including, but not limited to, a**
16 **library established by a public or private community college,**
17 **college, or university.**

18 (iii) **A library established by a public or private community**
19 **college, college, or university that is not a public library.**

20 (e) ~~Any~~ **A** public or private college or university or ~~any~~
21 ~~other~~ **another** person who disseminates sexually explicit matter
22 for a legitimate medical, scientific, governmental, or judicial
23 purpose.

24 (f) A person who disseminates sexually explicit matter that
25 is a public document, publication, record, or other material
26 issued by a state, local, or federal official, department, board,
27 commission, agency, or other governmental entity, or an accurate

- 1 republication of such a public document, publication, record, or
- 2 other material.