

76-10-1227. Indecent public displays -- Definitions.

- (1) For purposes of this section and Section 76-10-1228:
 - (a) "Description or depiction of illicit sex or sexual immorality" means:
 - (i) human genitals in a state of sexual stimulation or arousal;
 - (ii) acts of human masturbation, sexual intercourse, or sodomy;
 - (iii) fondling or other erotic touching of human genitals or pubic region; or
 - (iv) fondling or other erotic touching of the human buttock or female breast.
 - (b) "Nude or partially denuded figure" means:
 - (i) less than completely and opaquely covering human:
 - (A) genitals;
 - (B) pubic regions;
 - (C) buttock; and
 - (D) female breast below a point immediately above the top of the areola; and
 - (ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (2) (a) Subject to Subsection (2)(c), this section and Section 76-10-1228 do not apply to any material which, when taken as a whole, has serious value for minors.
 - (b) As used in Subsection (2)(a), "serious value" means having serious literary, artistic, political, or scientific value for minors, taking into consideration the ages of all minors who could be exposed to the material.
 - (c) A description or depiction of illicit sex or sexual immorality as defined in Subsection (1)(a)(i), (ii), or (iii) has no serious value for minors.

Amended by Chapter 123, 2007 General Session

76-10-1228. Indecent public displays -- Prohibitions -- Penalty.

- (1) Subject to the affirmative defense in Subsection 76-10-1208(3), a person is guilty of a class A misdemeanor who willfully or knowingly:
 - (a) engages in the business of selling, lending, giving away, showing, advertising for sale, or distributing to a minor or has in the person's possession with intent to engage in that business or to otherwise offer for sale or commercial distribution to a minor any material with:
 - (i) a description or depiction of illicit sex or sexual immorality; or
 - (ii) a nude or partially denuded figure; or
 - (b) publicly displays at newsstands or any other establishment frequented by minors, or where the minors are or may be invited as a part of the general public, any motion picture, or any live, taped, or recorded performance, or any still picture or photograph, or any book, pocket book, pamphlet, or magazine the cover or content of which:
 - (i) exploits, is devoted to, or is principally made up of one or more descriptions or depictions of illicit sex or sexual immorality; or

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(ii) consists of one or more pictures of nude or partially denuded figures.

(2) (a) A violation of this section is punishable by:

(i) a minimum mandatory fine of not less than \$500; and

(ii) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.

(b) This section supersedes Section 77-18-1.

Amended by Chapter 123, 2007 General Session