

67-5-18 Obscenity and Pornography Complaints Ombudsman -- Powers.

- (1) As used in this section, "pornography" means material or a performance that meets the requirements of Subsection 76-10-1203(1).
- (2)
 - (a) There is created an Obscenity and Pornography Complaints Ombudsman in the Office of the Attorney General.
 - (b) The attorney general shall hire an attorney licensed to practice law in Utah who has knowledge of obscenity and pornography law and, if possible, who has a background or expertise in investigating and prosecuting obscenity and pornography law violations to fill the position.
 - (c) The person hired to fill the position is an exempt employee.
 - (d) The attorney general may hire clerks, interns, or other personnel to assist the pornography complaints ombudsman.
- (3) The Obscenity and Pornography Complaints Ombudsman shall:
 - (a) develop and maintain expertise in and understanding of laws designed to control or eliminate obscenity and pornography and the legal standards governing the regulation or elimination of obscenity and pornography;
 - (b) advise citizens and local governments about remedies to address instances of obscenity and pornography in their communities;
 - (c) advise local governments about ways to strengthen local laws and ordinances addressing obscenity and pornography;
 - (d) advise local governments about strategies to restrict, suppress, or eliminate obscenity and pornography in their communities;
 - (e) at the request of the attorney general or a local government, assist a local government in investigating and prosecuting state and local laws and ordinances addressing obscenity or pornography;
 - (f) before beginning an investigation:
 - (i) contact the county, district, or city attorney within whose jurisdiction an investigation by the Obscenity and Pornography Complaints Ombudsman will take place and inform that county, district, or city attorney of the investigation; and
 - (ii) coordinate efforts and share records, in accordance with Section 63G-2-206, with the county, district, or city's attorney referred to in Subsection (3)(f)(i) throughout the investigation;
 - (g) advise citizens about their options to address specific complaints about obscenity or pornography in their communities;
 - (h) when requested by a citizen or local government official, arbitrate between citizens and businesses to resolve complaints about obscenity or pornography;
 - (i) provide information to private citizens, civic groups, government entities, and other interested parties about the dangers of obscenity and pornography, the current laws to restrict, suppress, or eliminate pornography, and their rights and responsibilities under those laws;
 - (j) draft model ordinances that contain:
 - (i) various degrees of regulation of sexually-oriented businesses; and
 - (ii) options for local communities that can be used to regulate pornography and obscenity;
 - (k) assist political subdivisions in:
 - (i) drafting model rules, regulations, and policies; and
 - (ii) providing recommendations for enforcing those rules, regulations, and policies;
 - (l) in conjunction with Utah's county and municipal prosecuting attorneys:
 - (i) review Utah's and Idaho's moral nuisance law;

- (ii) draft a comprehensive moral nuisance law for Utah and a model ordinance for municipalities and counties to provide an effective mechanism to abate and discourage obscenity and pornography; and
- (iii) present the draft to the Legislature's Judiciary Interim Committee before October 25, 2001; and
- (m) establish a program to combat Internet pornography and to assist parents in protecting their children from Internet pornography.

Amended by Chapter 382, 2008 General Session