

76-10-1235 Accessing pornographic or indecent material on school property.

- (1) As used in this section:
 - (a) "Pornographic or indecent material" means any material:
 - (i) defined as harmful to minors in Section 76-10-1201;
 - (ii) described as pornographic in Section 76-10-1203; or
 - (iii) described in Section 76-10-1227.
 - (b) "School property" means property, including land and improvements, that a school district or charter school owns, leases, or occupies.
- (2) Except as provided in Subsection (3), a person is guilty of accessing pornographic or indecent material on school property when the person willfully or knowingly creates, views, or otherwise gains access to pornographic or indecent material while present on school property, under circumstances not amounting to an attempted or actual violation of:
 - (a) distributing pornographic material as specified in Section 76-10-1204;
 - (b) inducing acceptance of pornographic material as specified in Section 76-10-1205;
 - (c) dealing in material harmful to a minor as specified in Section 76-10-1206; or
 - (d) indecent public displays as specified in Section 76-10-1228.
- (3) This section does not apply to school or law enforcement personnel when the access to pornographic or indecent material on school property is limited to:
 - (a) investigation of a violation of this section; or
 - (b) enforcement of this section.
- (4) Each separate offense under this section is:
 - (a) a class A misdemeanor if the person is 18 years of age or older; and
 - (b) a class B misdemeanor if the person is under 18 years of age.
- (5) This section does not prohibit disciplinary action for actions that violate this section.

Enacted by Chapter 79, 2007 General Session