

1 **OBSCENITY AND PORNOGRAPHY**
2 **COMPLAINTS OMBUDSMAN**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Evan L. Olsen**

6 AN ACT RELATING TO THE ATTORNEY GENERAL'S OFFICE; CREATING AN
7 OBSCENITY AND PORNOGRAPHY COMPLAINTS OMBUDSMAN; DEFINING THE
8 OMBUDSMAN'S POWERS AND DUTIES; APPROPRIATING \$75,000 TO THE ATTORNEY
9 GENERAL'S OFFICE; AND PROVIDING AN EFFECTIVE DATE.

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 ENACTS:

12 **67-5-17**, Utah Code Annotated 1953

13 *Be it enacted by the Legislature of the state of Utah:*

14 Section 1. Section **67-5-17** is enacted to read:

15 **67-5-17. Pornography Complaints Ombudsman -- Powers.**

16 (1) As used in this section, "pornography" means material or a performance that meets the
17 requirements of Subsection 76-10-1203(1).

18 (2) (a) There is created an Obscenity and Pornography Complaints Ombudsman in the
19 Office of the Attorney General.

20 (b) The attorney general shall hire an attorney licensed to practice law in Utah who has
21 knowledge of obscenity and pornography law and, if possible, who has a background or expertise
22 in investigating and prosecuting obscenity and pornography law violations to fill the position.

23 (c) The person hired to fill the position is an exempt employee.

24 (d) The attorney general may hire clerks, interns, or other personnel to assist the
25 pornography complaints ombudsman.

26 (3) The Obscenity and Pornography Complaints Ombudsman shall:

27 (a) develop and maintain expertise in and understanding of laws designed to control or

28 eliminate obscenity and pornography and the legal standards governing the regulation or
29 elimination of obscenity and pornography;

30 (b) advise citizens and local governments about remedies to address instances of obscenity
31 and pornography in their communities;

32 (c) advise local governments about ways to strengthen local laws and ordinances
33 addressing obscenity and pornography;

34 (d) advise local governments about strategies to restrict, suppress, or eliminate obscenity
35 and pornography in their communities;

36 (e) at the request of the attorney general or a local government, assist a local government
37 in investigating and prosecuting state and local laws and ordinances addressing obscenity or
38 pornography;

39 (f) advise citizens about their options to address specific complaints about obscenity or
40 pornography in their communities;

41 (g) when requested by a citizen or local government official, arbitrate between citizens and
42 businesses to resolve complaints about obscenity or pornography;

43 (h) provide information to private citizens, civic groups, government entities, and other
44 interested parties about the dangers of obscenity and pornography, the current laws to restrict,
45 suppress, or eliminate pornography, and their rights and responsibilities under those laws; and

46 (i) in conjunction with Utah's county and municipal prosecuting attorneys:

47 (i) review Utah's and Idaho's moral nuisance law;

48 (ii) draft a comprehensive moral nuisance law for Utah to provide an effective mechanism
49 to abate and discourage obscenity and pornography; and

50 (iii) present the draft to the Legislature's Judiciary Interim Committee before October 25,
51 2001.

52 **Section 2. Appropriation.**

53 (1) There is appropriated \$75,000 from the General Fund to the Office of the Attorney
54 General for fiscal year 2000-01 to fund the costs of the Pornography Complaints Ombudsman
55 established by this bill.

56 (2) It is the intent of the Legislature that, in subsequent fiscal years, the Office of the
57 Attorney General request, as part of its annual budget request, an annual appropriation from the
58 Legislature of at least \$150,000 to fund the costs of the Pornography Complaints Ombudsman.

59 Section 3. **Effective date.**

60 This act takes effect on January 1, 2001.

Legislative Review Note
as of 2-10-00 6:24 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel