

**AMENDMENTS TO STATE PROCESSES -
PORNOGRAPHY OMBUDSMAN**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Glenn L. Way

This act modifies provisions relating to the Pornography Complaints Ombudsman. The act modifies the duties of the Pornography Complaints Ombudsman to require creation of a program to combat Internet pornography.

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

AMENDS:

67-5-18, as enacted by Chapter 340, Laws of Utah 2000

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

Section 1. Section **67-5-18** is amended to read:

67-5-18. 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



28 elimination of obscenity and pornography;

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

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

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

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

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

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

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

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

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

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

50 (iii) present the draft to the Legislature's Judiciary Interim Committee before October 25,
51 2001[-]; and

52 (j) establish a program to combat Internet pornography and ~~h~~ [provide resources to] TO

52a ASSIST ~~h~~ parents

53 ~~h~~ [to assist them] ~~h~~ in protecting their children from Internet pornography.

Legislative Review Note

as of 2-6-01 2:22 PM

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

Office of Legislative Research and General Counsel