

Effective 5/7/2025

76-5c-305 Distribution of a pornographic film for exhibition.

- (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-301 apply to this section.
- (2) An actor commits distribution of a pornographic film for exhibition if the actor knowingly or with criminal negligence distributes a film for exhibition that is pornographic.
- (3)
 - (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor subject to:
 - (i) a fine not less than \$1,000; and
 - (ii) incarceration, without suspension of sentence in any way, for a term of not less than 60 days.
 - (b) A violation of Subsection (2) is a third degree felony if the actor has previously been convicted of a violation of Subsection (2) and is subject to:
 - (i) a fine not less than \$5,000; and
 - (ii) incarceration, without suspension of sentence in any way, for a term of not less than six months.
- (4) It is an affirmative defense to a prosecution under this section that the distribution or exhibition of a film is exempt from the restrictions of this part described in Section 76-5c-302.
- (5) It is not a defense to a prosecution under this section that the actor was a motion picture projectionist or was otherwise required by the actor's employment to commit the violation.
- (6) Each copy of a pornographic film distributed for exhibition in violation of this section is a separate offense.

Renumbered and Amended by Chapter 173, 2025 General Session