

**PENALTY FOR EXPOSING MINORS TO
SEXUALLY EXPLICIT MEDIA**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Hogue

This act modifies the Criminal Code by including, as an offense of dealing harmful material to minors, the act of intentionally, knowingly, or recklessly allowing minors access to movies containing material harmful to minors, if the minor is not accompanied by an adult.

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

AMENDS:

76-10-1206, as last amended by Chapter 53, Laws of Utah 2000

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

Section 1. Section **76-10-1206** is amended to read:

76-10-1206. Dealing in material harmful to a minor.

(1) A person is guilty of dealing in material harmful to minors when, knowing that a person is a minor, or having failed to exercise reasonable care in ascertaining the [proper] age of a minor, he:

(a) intentionally distributes or offers to distribute, exhibits or offers to exhibit to a minor any material harmful to minors;

(b) intentionally produces, presents, or directs any performance before a minor, that is harmful to minors; [or]

(c) intentionally participates in any performance before a minor, that is harmful to minors[-]; or

(d) intentionally, knowingly, or recklessly allows a minor not accompanied by an adult to have access to viewing a movie containing material harmful to minors, or fails to take reasonable measures, in context of the facility where the movie is being shown, to prevent a minor not accompanied by an adult from having access to viewing a movie containing material harmful to



28 minors, and:

29 (i) the person is the owner or operator of the facility where the movie is being exhibited;

30 (ii) the movie is being exhibited at a public place as defined in Section 76-10-1216; and

31 (iii) the movie is being exhibited for profit.

32 (2) Each separate offense under this section is a third degree felony punishable by a
33 minimum mandatory fine of not less than \$300 plus \$10 for each article exhibited up to the
34 maximum allowed by law and by incarceration, without suspension of sentence in any way, for a
35 term of not less than 14 days. This section supersedes Section 77-18-1.

36 (3) If a defendant has already been convicted once under this section, each separate further
37 offense is a second degree felony punishable by a minimum mandatory fine of not less than \$5,000
38 plus \$10 for each article exhibited up to the maximum allowed by law and by incarceration,
39 without suspension of sentence in any way, for a term of not less than one year. This section
40 supersedes Section 77-18-1.

41 (4) As used in this section, "adult" means a person 21 years of age or older.

Legislative Review Note
as of 2-16-01 2:50 PM

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

Office of Legislative Research and General Counsel