

28 covered.

29 (3) (a) Descriptions or depictions of ~~illicit sex or sexual immorality and~~ nude or
 29a partially
 30 denuded figures ~~AS DEFINED IN SUBSECTION (2)~~ ~~(a)~~ do not include any material which, when
 30a taken as a whole, has serious value for
 31 persons younger than 18 years of age.

32 (b) As used in Subsection (3)(a), "serious value" means having serious literary, artistic,
 33 political, or scientific value for persons younger than 18 years of age.

34 Section 2. Section **76-10-1228** is amended to read:

35 **76-10-1228. Indecent public displays -- Prohibitions -- Penalty.**

36 (1) A person is guilty of a class A misdemeanor who willfully or knowingly:

37 (a) engages in the business of selling, lending, giving away, showing, advertising for sale,
 38 or distributing to any person under the age of 18 or has in his possession with intent to engage in
 39 that business or to otherwise offer for sale or commercial distribution to any individual under the
 40 age of 18 any material with descriptions or depictions of illicit sex, sexual immorality, or nude or
 41 partially denuded figures; or

42 (b) publicly displays at newsstands or any other establishment frequented by minors under
 43 the age of 18, or where the minors are or may be invited as a part of the general public, any motion
 44 picture, or any live, taped, or recorded performance, or any still picture or photograph, or any book,
 45 pocket book, pamphlet, or magazine the cover or content of which exploits, is devoted to, or is
 46 principally made up of indecent descriptions or depictions of illicit sex or sexual immorality, or
 47 that consists of pictures of nude or partially denuded figures posed or presented in a manner to
 48 provoke or arouse lust or passion or to exploit lust or perversion for commercial gain.

49 (2) A violation of this section is punishable by a minimum mandatory fine of not less than
 50 \$500 and by incarceration, without suspension of sentence in any way, for a term of not less than
 51 30 days. This section supersedes Section 77-18-1.

Legislative Review Note

as of 1-2-02 11:08 AM

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

Office of Legislative Research and General Counsel