

1 HOUSE BILL NO. 234
2 INTRODUCED BY B. PHALEN, J. SCHILLINGER, S. ESSMANN, B. MITCHELL, B. LER, G. OBLANDER, J.
3 BERGSTROM, G. KMETZ
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING THE PUBLIC DISPLAY OR
6 DISSEMINATION OF OBSCENE MATERIAL TO MINORS; REMOVING EXCEPTIONS FOR EMPLOYEES OF
7 PUBLIC SCHOOLS; REMOVING CERTAIN EXCEPTIONS FOR OFFICERS AND EMPLOYEES OF PUBLIC
8 LIBRARIES AND MUSEUMS; AND AMENDING SECTION 45-8-206, MCA."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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12 **Section 1.** Section 45-8-206, MCA, is amended to read:

13 **"45-8-206. Public display or dissemination of obscene material to minors.** (1) A person having
14 custody, control, or supervision of any commercial establishment or newsstand may not knowingly or
15 purposely:

16 (a) display obscene material to minors in such a way that minors, as a part of the invited public, will
17 be able to view the material. However, a person is considered not to have displayed obscene material to minors
18 if the material is kept behind devices commonly known as blinder racks so that the lower two-thirds of the
19 material is not exposed to view or other reasonable efforts were made to prevent view of the material by a
20 minor.

21 (b) sell, furnish, present, distribute, or otherwise disseminate to a minor or allow a minor to view,
22 with or without consideration, any obscene material; or

23 (c) present to a minor or participate in presenting to a minor, with or without consideration, any
24 performance that is obscene to minors.

25 (2) A person does not violate this section if:

26 (a) the person had reasonable cause to believe the minor was 18 years of age. "Reasonable
27 cause" includes but is not limited to being shown a draft card, driver's license, marriage license, birth certificate,
28 educational identification card, governmental identification card, tribal identification card, or other official or

Amendment - 1st Reading-white - Requested by: Caleb Hinkle - (H) Judiciary

- 2023

68th Legislature 2023

Drafter: Rachel Weiss, 406-444-5367

HB0234.001.001

1 apparently official card or document purporting to establish that the person is 18 years of age;

2 (b) the person is, or is acting as, an employee of a bona fide ~~public school, college, or university or~~
3 a retail outlet affiliated with and serving the educational purposes of a ~~school, college, or university~~ and the
4 material or performance was disseminated in accordance with policies approved by the governing body of the
5 institution;

6 ~~(c) the person is an officer, director, trustee, or employee of a public library or museum and the~~
7 ~~material or performance was acquired by the library or museum and disseminated in accordance with policies~~
8 ~~approved by the governing body of the library or museum;~~

9 ~~(d)~~(c) an exhibition in a state of nudity is for a bona fide scientific, historical, or medical purpose for a
10 bona fide school, ~~library, or museum~~ or museum; or

11 ~~(e)~~(d) the person is a retail sales clerk with no financial interest in the material or performance or in
12 the establishment displaying or selling the material or performance."

13 - END -