

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
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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, COLLEGES, AND UNIVERSITIES AND ASSOCIATED RETAIL OUTLETS; REMOVING
8 EXCEPTIONS FOR OFFICERS AND EMPLOYEES OF PUBLIC LIBRARIES AND MUSEUMS; AND
9 AMENDING SECTION 45-8-206, MCA."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 **Section 1.** Section 45-8-206, MCA, is amended to read:

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

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

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

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

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

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

1 educational identification card, governmental identification card, tribal identification card, or other official or
2 apparently official card or document purporting to establish that the person is 18 years of age;

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

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

10 (b) the person is an officer, director, trustee, or employee of a public library or museum and the
11 material or performance was acquired by the library or museum and disseminated in accordance with policies
12 approved by the governing body of the library or museum;

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

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

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