68th Legislature 2023

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 EXCEPTIONS FOR OFFICERS AND EMPLOYEES OF PUBLIC LIBRARIES		
8	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	"45-8-2	206. Public display or dissemination of obscene ma	terial 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 n	ninors, 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 dissemina	te 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 mino	or, 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 w	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		
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1 apparently official card or document purporting to establish that the person is 18 years of age; 2 the person is, or is acting as, an employee of a bona fide public school, college, or university or (b) 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 or medical purpose for a bona fide 10 school, library, 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 -

