Division

1	HOUSE BILL NO. 234				
2	INTRODUCED BY B. PHALEN, J. SCHILLINGER, S. ESSMANN, B. MITCHELL, B. LER, G. OBLANDER, J.				
3			BERGSTROM, G. KME	ΓZ	
4					
5	A BILL FOR A	N ACT ENTITLED: "AN ACT	REVISING LAWS REG	ARDING 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 dis	semination of obscene	e material to minors. (1) A person having	
14	custody, contro	ol, or supervision of any com	mercial establishment o	r newsstand may not knowingly or	
15	purposely:				
16	(a)	display obscene material to	o minors in such a way t	hat 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, distril	oute, or otherwise disse	minate 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 partic	cipate in presenting to a	minor, with or without consideration, any	
24	performance that is obscene to minors.				
25	(2)	A person does not violate t	his section if:		
26	(a)	the person had reasonable	cause to believe the mi	nor 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	(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	(C) THE PERSON IS AN OFFICER, DIRECTOR, TRUSTEE, OR EMPLOYEE OF A PUBLIC LIBRARY OR MUSEUM			
10	AND THE MATERIAL OR PERFORMANCE WAS ACQUIRED BY THE LIBRARY OR MUSEUM AND DISSEMINATED IN ACCORDANCE			
11	WITH POLICIES APPROVED BY THE GOVERNING BODY OF THE LIBRARY OR MUSEUM;			
12	(d)(c)(D) an exhibition in a state of nudity is for a bona fide scientific or medical purpose for a			
13	bona fide school <u>, LIBRARY, OR MUSEUM</u> , library, or museum; or			
14	(e)(d)(E) the person is a retail sales clerk with no financial interest in the material or performance			
15	or in the establishment displaying or selling the material or performance."			
16	- END -			

