

BILL SUMMARY
1st Session of the 59th Legislature

Bill No.:	SB1056
Version:	FA1
Request Number:	8259
Author:	Rep. West, Kevin
Date:	4/19/2023
Impact:	No Negative Impact

Research Analysis

SB 1056 modifies current law relating to obscene material. ~~The measure provides that any material that creates a prurient interest in sex in minors shall qualify as obscene material. The measure also provides that the "reasonable person" standard does not apply when an adult knowingly provide material that qualifies as obscene to a minor without written informed consent by the minor's parent or guardian.~~

CHANGES MADE TO THE ENGROSSED MEASURE CONTAINED IN THE FLOOR SUBSTITUTE:

The floor substitute for SB 1056 provides a definition of "obscene material in the presence of minors" to mean the same as "obscene material" when a minor is exposed to such material.

Removes language as indicated by the strike-throughs in the engrossed summary above.

The measure creates a new section of law that defines "adult performance", obscene material", "minor" and "public place". The measure makes it unlawful for a person to engage in an adult performance which contains obscene material, or for any political subdivision to allow, permit, organize, or authorize the viewing of an adult performance which contains obscene material, on public property or in a public place where a minor, as part of the general public, will be exposed to view the adult performance.

A person in violation is guilty of a misdemeanor, punishable by up to 1 year in the county jail, a fine of not less than \$500 nor more than \$1,000, or both fine and imprisonment.

The measure preempts any ordinance, regulation, or restriction that was lawfully adopted or license that was issued by a political subdivision that is in conflict with these provisions.

Prepared By: Brad Wolgamott

Fiscal Analysis

The floor amendment for SB 1056 adds a definition for "obscene materials in the presence of minors" and prohibits the performance of obscene material on public property or in a public place that could be viewed by minors. The measure introduces various penalties if the provisions of this measure are violated. These penalties have the potential to increase fine revenue collected as well as a potential increase in incarcerations; however, there is no anticipated negative fiscal impact on the state budget or appropriations.

Prepared By: Jay St Clair, House Fiscal Staff

Other Considerations

None.

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