

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/11/05

A Bill

HOUSE BILL 2423

5 By: Representatives Anderson, *Matayo*
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For An Act To Be Entitled

9 AN ACT TO CLARIFY THAT DISPLAYED MATERIAL AS USED
10 IN THE OBSCENITY LAW IS LIMITED TO THE EXTERNAL
11 VISIBLE PORTION OF MATERIAL; AND FOR OTHER
12 PURPOSES.
13

Subtitle

15 AN ACT TO CLARIFY THAT DISPLAYED
16 MATERIAL AS USED IN THE OBSCENITY LAW IS
17 LIMITED TO THE EXTERNAL VISIBLE PORTION
18 OF THE MATERIAL.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 5-68-502 is amended to read as follows:
24 5-68-502. Unlawful acts.

25 It shall be unlawful for any person, including, but not limited to, any
26 persons having custody, control, or supervision of any commercial
27 establishment, to knowingly:

28 (1)(A) Display the cover, binder, or external visible portion of
29 material which is harmful to minors in such a way that minors, as a part of
30 the invited general public, will be exposed to view such material.

31 (B) Provided, however, a person shall be deemed not to
32 *have displayed material harmful to minors if the ~~lower two thirds (2/3) of~~*
33 *~~the material~~ portion that is harmful to minors is not exposed to view and the*
34 *item is segregated in a manner that physically prohibits access to the*
35 material by minors; or

36 (2)(A) Sell, furnish, present, distribute, allow to view, or



1 otherwise disseminate to a minor, with or without consideration, any material
2 which is harmful to minors.

3 (B) Provided, this prohibition shall not apply to:

4 (i) Any dissemination by a parent, guardian, or
5 relative within the third degree ~~or~~ of consanguinity of the minor; or

6 (ii) Any dissemination with the consent of a parent
7 or guardian of the minor; or

8 (3)(A) Present to a minor or participate in presenting to a
9 minor, with or without consideration, any performance which is harmful to a
10 minor.

11 (B) Provided, this prohibition shall not apply to:

12 (i) Any dissemination by a parent, guardian, or
13 relative within the third degree ~~or~~ of consanguinity of the minor; or

14 (ii) Any dissemination with the consent of a parent
15 or guardian of the minor.

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17 /s/ Anderson, et al
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