

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 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1566

4
5 By: Representative Williams
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For An Act To Be Entitled

8
9 AN ACT REGARDING THE CRIME OF SELLING OR LOANING
10 PORNOGRAPHY TO MINORS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 REGARDING THE CRIME OF SELLING OR
14 LOANING PORNOGRAPHY TO MINORS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 5-68-501(6), concerning the definition of
20 material for the unlawful selling or loaning of pornography to minors, is
21 amended to read as follows:
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23 (6)(A) "Material" means any book, magazine, newspaper, pamphlet,
24 poster, print, picture, figure, image, description, motion picture, film,
25 record, recording tape, CD-ROM disk, magnetic disk memory, magnetic tape
26 memory, video tape, or other media.

27 (B) However, "material" does not include a matter
28 displayed, transmitted, retrieved, or stored on the Internet or other network
29 for the electronic dissemination of information as the term is used in § 5-
30 68-502;
31

32 SECTION 2. Arkansas Code § 5-68-501, concerning definitions for the
33 unlawful selling or loaning of pornography to minors, is amended to read as
34 follows:

35 (15) "Transmits" means to send by an electronic device or
36 equipment, including without limitation a computer, analog cellular



1 telephone, or digital wireless telephone.

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3 SECTION 3. Arkansas Code § 5-68-502 is amended to read as follows:

4 5-68-502. ~~Unlawful acts.~~ Displaying material harmful to minors.

5 ~~It is unlawful for any person, including, but not limited to, any~~

6 ~~person~~ (a) A person commits the offense of displaying material harmful to
7 minors if the person, including without limitation a person having custody,
8 control, or supervision of any commercial establishment, ~~to~~ knowingly:

9 (1)(A) ~~Display~~ Displays material that is harmful to minors in
10 such a way that the material is exposed to the view of a minor as part of the
11 invited general public.

12 (B) However, a person is deemed not to have displayed
13 material harmful to minors if:

14 (i) The material is kept behind devices commonly
15 known as “blinder racks” so that the lower two-thirds (2/3) of the material
16 is not exposed to view; or

17 (ii) Material harmful to minors is not contained on
18 the front cover, back cover, or binding of the displayed material; or

19 (2)(A) ~~Sell, furnish, present, distribute, allow to view, or~~
20 ~~otherwise disseminate~~ Sells, furnishes, presents, distributes, allows to
21 view, or otherwise disseminates to a minor with or without consideration any
22 material that is harmful to minors.

23 (B) However, the prohibition under subdivision (2)(A) of
24 this section does not apply to any dissemination:

25 (i) By a parent, guardian, or relative within the
26 third degree or consanguinity of the minor; or

27 (ii) With the consent of a parent or guardian of the
28 minor; or

29 (3)(A) ~~Present~~ Presents to a minor or ~~participate~~ participates
30 in presenting to a minor with or without consideration any performance that
31 is harmful to minors.

32 (B) However, the prohibition under subdivision (3)(A) of
33 this section does not apply to any dissemination:

34 (i) By a parent, guardian, or relative within the
35 third degree of consanguinity to the minor; or

36 (ii) With the consent of a parent or guardian of the

1 minor.

2 (b) Displaying material harmful to minors is a Class B misdemeanor.

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4 SECTION 4. Arkansas Code § 5-68-503 is amended to read as follows:

5 5-68-503. ~~Penalties.~~ Transmitting material harmful to a minor.

6 ~~Any person violating any provision of this subchapter is guilty of a~~
7 ~~Class B misdemeanor.~~

8 (a) A person commits the offense of transmitting material harmful to a
9 minor if the person knowingly transmits material harmful to a minor to
10 either:

11 (1) A minor; or

12 (2) An individual the person believes is a minor.

13 (b) Transmitting material harmful to a minor is a Class C felony.

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