

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  
4

*As Engrossed: H3/12/09*

# A Bill

HOUSE BILL 1566

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

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

### Subtitle

12 REGARDING THE CRIME OF SELLING OR  
13 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, as used in § 5-68-502, "material" does not  
28 include a matter displayed, transmitted, retrieved, or stored on the Internet  
29 or other network for the electronic dissemination of information;

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

33 (15) "Transmits" means to send material by an electronic device  
34 or equipment, including without limitation material displayed, retrieved, or  
35 stored on a computer, analog cellular telephone, digital wireless telephone,  
36 the Internet, or other network for electronic dissemination.



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

3 5-68-502. ~~Unlawful acts.~~ Displaying material harmful to minors.

4 ~~It is unlawful for any person, including, but not limited to, any~~  
5 ~~person~~ (a) A person commits the offense of displaying material harmful to  
6 minors if the person, including without limitation a person having custody,  
7 control, or supervision of any commercial establishment, ~~to~~ knowingly:

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

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

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

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

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

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

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

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

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

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

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

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

