

HOUSE BILL NO. 234

INTRODUCED BY B. PHALEN, J. SCHILLINGER, S. ESSMANN, B. MITCHELL, B. LER, G. OBLANDER, J. BERGSTROM, G. KMETZ

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING THE PUBLIC DISPLAY OR DISSEMINATION OF OBSCENE MATERIAL TO MINORS; REMOVING EXCEPTIONS FOR EMPLOYEES OF PUBLIC SCHOOLS; REMOVING EXCEPTIONS FOR OFFICERS AND EMPLOYEES OF PUBLIC LIBRARIES AND MUSEUMS; AND AMENDING SECTION 45-8-206, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-8-206, MCA, is amended to read:

"45-8-206. Public display or dissemination of obscene material to minors. (1) A person having custody, control, or supervision of any commercial establishment or newsstand may not knowingly or purposely:

(a) display obscene material to minors in such a way that minors, as a part of the invited public, will be able to view the material. However, a person is considered not to have displayed obscene material to minors if the material is kept behind devices commonly known as blinder racks so that the lower two-thirds of the material is not exposed to view or other reasonable efforts were made to prevent view of the material by a minor.

(b) sell, furnish, present, distribute, or otherwise disseminate to a minor or allow a minor to view, with or without consideration, any obscene material; or

(c) present to a minor or participate in presenting to a minor, with or without consideration, any performance that is obscene to minors.

(2) A person does not violate this section if:

(a) the person had reasonable cause to believe the minor was 18 years of age. "Reasonable cause" includes but is not limited to being shown a draft card, driver's license, marriage license, birth certificate, educational identification card, governmental identification card, tribal identification card, or other official or

