

SENATE BILL 257

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 9, relative to the promotion and advertising of certain materials.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-902, is amended by deleting the first sentence of subsection (a) and substituting instead the following:

(a) It is an offense to knowingly produce, broadcast, distribute, send, cause to be sent, or bring or cause to be brought into this state for sale, broadcast, distribution, exhibition or display, or to advertise or promote in this state the sale, broadcast, distribution, exhibition or display, or in this state to prepare for distribution, publish, print, exhibit, distribute, or offer to distribute, or to possess with intent to distribute or to exhibit or offer to distribute any obscene matter.

SECTION 2. Tennessee Code Annotated, Section 39-17-911, is amended by adding the following new subsection (c) and by relettering subsequent subsections accordingly:

(c)

(1) It is an offense for a cable television company, as defined in § 39-14-102, or a satellite television company to knowingly transmit or cause to be transmitted in this state any advertising for material described in subdivision (a)(1) or subdivision (a)(2), or for such company to knowingly transmit or cause to be transmitted in this state any advertising that is itself harmful to minors.

(2) It is an exception to the application of this subsection (c) that the company transmitted or caused to be transmitted in this state any advertising for material described in subdivision (a)(1) or subdivision (a)(2), if such advertising

was transmitted or caused to be transmitted between ten o'clock p.m. (10:00 p.m.) and six o'clock a.m. (6:00 a.m.).

(3) It is an exception to the application of this subsection (c) that the company transmitted or caused to be transmitted in this state any advertising that is itself harmful to minors, if such advertising was transmitted or caused to be transmitted between twelve o'clock midnight (12:00 a.m.) and six o'clock a.m. (6:00 a.m.).

(4) The affirmative defense in subsection (e) shall not apply to the violation of this subsection (c).

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.