

ST	BILL NO.	DOC TYPE	VERSION	LEGIS DATE
IN	HB1042	Bill Text	Prefiled	12/17/2007
Intent to sell sexually explicit products.				

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Introduced Version

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**HOUSE BILL No. 1042**

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**DIGEST OF INTRODUCED BILL**

**Citations Affected:** [IC 23-1-55](#); [IC 24-4-16](#).

**Synopsis:**

Intent to sell sexually explicit products. Requires a person that intends to sell sexually explicit materials, products, or services to register and file a statement with the secretary of state. Provides that a person that sells sexually explicit materials, products, or services without registering and filing the statement commits a Class B misdemeanor.

**Effective:** July 1, 2008.

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**Goodin**

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January 8, 2008, read first time and referred to Committee on Family, Children and Human Affairs.

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## Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

**HOUSE BILL No. 1042**

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

*Be it enacted by the General Assembly of the State of Indiana:*

SOURCE: [IC 23-1-55](#); (08)IN1042.1.1. --> SECTION 1. [IC 23-1-55](#) IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

**Chapter 55. Intention to Sell Sexually Explicit Materials, Products, or Services**

**Sec. 1. A person, firm, corporation, association, partnership, limited liability corporation, or other entity that intends to sell sexually explicit materials, products, or services shall register with the secretary of state the intent to sell sexually explicit materials, products, or services and provide a statement detailing the types of materials, products, or services that are intended to be sold.**

SOURCE: [IC 24-4-16](#); (08)IN1042.1.2. --> SECTION 2. [IC 24-4-16](#) IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

**Chapter 16. Sexually Explicit Materials and Services**

**Sec. 1. As used in this chapter, "person" means an individual, a firm, a corporation, an association, a partnership, a limited liability corporation, or another entity.**

**Sec. 2. (a) For purposes of this chapter, materials, products, or services are "sexually explicit materials, products, or services" if:**

**(1) the average person, applying contemporary community standards, would find that:**

**(A) the dominant theme of the materials, products, or services, taken as a whole, appeals to the prurient interest in sex; or**

**(B) the materials, products, or services depict or describe, in a patently offensive way, sexual conduct; or**

**(2) the materials, products, or services are designed for use in or marketed primarily for:**

**(A) the stimulation of human genital organs; or**

**(B) masochism or sadism.**

**(b) The term does not include birth control or contraceptive devices.**

**Sec. 3. A person or an employee or agent of a person may not sell sexually explicit materials, products, or services unless a registration and statement are properly filed as described in [IC 23-1-55-1](#).**

**Sec. 4. A person or an employee or agent of a person who recklessly violates this chapter commits a Class B misdemeanor.**

SOURCE: ; (08)IN1042.1.3. --> SECTION 3. [EFFECTIVE JULY 1, 2008] [IC 24-4-16-4](#), as added by this act, applies to offenses committed after June 30, 2008.