

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

SENATE BILL 668

4
5 By: Senator S. Harrelson
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For An Act To Be Entitled

8 AN ACT TO AMEND THE OFFENSE OF SELLING OR LOANING
9 PORNOGRAPHY TO A MINOR TO INCLUDE THE USE OF THE
10 INTERNET AND TO PROVIDE FOR AN ENHANCED PENALTY; AND
11 FOR OTHER PURPOSES.
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Subtitle

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15 TO AMEND THE OFFENSE OF SELLING OR
16 LOANING PORNOGRAPHY TO A MINOR TO INCLUDE
17 THE USE OF THE INTERNET AND TO PROVIDE
18 FOR AN ENHANCED PENALTY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 5-68-501(6), regarding the definition of
24 "material", is amended to read as follows:

25 (6)(A) "Material" means any book, magazine, newspaper, pamphlet,
26 poster, print, picture, figure, image, description, motion picture, film,
27 record, recording tape, CD-ROM disk, magnetic disk memory, magnetic tape
28 memory, video tape, or other media.

29 (B) ~~However, "material"~~ "Material" does not include a matter
30 displayed, transmitted, retrieved, or stored on the Internet or other network
31 for the electronic dissemination of information~~+~~.

32 (C) As used in § 5-68-502(2)(A), "material" includes a matter
33 displayed, transmitted, retrieved, or stored on the Internet or other network
34 for the electronic dissemination of information;
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1 SECTION 2. Arkansas Code § 5-68-501(9), regarding the definition of
2 "performance", is amended to read as follows:

3 (9)(A) "Performance" means any motion picture, film, video tape,
4 played record, phonograph or tape, preview, trailer, play, show, skit, dance,
5 or other exhibition performed or presented to or before an audience of one
6 (1) or more persons, with or without consideration.

7 (B) ~~However, "performance"~~ "Performance" does not include a
8 matter displayed, transmitted, retrieved, or stored on the Internet or other
9 network for electronic dissemination of information~~+~~.

10 (C) As used in § 5-68-502(2)(A), "performance" includes a matter
11 displayed, transmitted, retrieved, or stored on the Internet or other network
12 for the electronic dissemination of information;

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

15 5-68-502. Unlawful acts.

16 It is unlawful for ~~any a~~ a person, including, ~~but not limited to,~~ without
17 limitation any person having custody, control, or supervision of any
18 commercial establishment, to knowingly:

19 (1)(A) Display material that is harmful to minors in such a way that
20 the material is exposed to the view of a minor as part of the invited general
21 public.

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

24 (i) The material is kept behind devices commonly known as
25 "blinder racks" so that the lower two-thirds (2/3) of the material is not
26 exposed to view; or

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

29 (2)(A) Sell, furnish, present, distribute, allow to view, loan, or
30 otherwise disseminate to a minor with or without consideration any material
31 that is harmful to minors.

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

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

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

minor; or

(3)(A) Present to a minor or participate in presenting to a minor with or without consideration any performance that is harmful to minors.

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

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

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

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

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

(a) A violation of § 5-68-502(1) is a Class B misdemeanor.

(b) A violation of § 5-68-502(2) or § 5-68-502(3) is a Class D felony.