

SENATE BILL REPORT

SB 6262

AS REPORTED BY COMMITTEE ON CHILDREN & FAMILY SERVICES,
FEBRUARY 5, 1992

Brief Description: Protecting children from sexually explicit films, publications, and devices.

SPONSORS: Senators Roach, Stratton, L. Smith, Murray, Cantu, Jesernig, Hayner, Thorsness, Amondson, Bailey, Metcalf, Barr, Nelson and Erwin

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: That Substitute Senate Bill No. 6262 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, and Stratton.

Staff: Mich'l Prentice Needham (786-7439)

Hearing Dates: January 28, 1992; February 5, 1992

BACKGROUND:

Washington law prohibits the sale, distribution, or exhibition of erotic materials to minors. The prohibition applies only to materials which have been determined by a court to be erotic. Erotic materials are those which appeal to the prurient interest of minors in sex, are patently offensive, and are utterly without redeeming social value. A person who violates these provisions is guilty of a misdemeanor for the first offense, a gross misdemeanor for the second offense, and a felony for the third and subsequent offenses. In 1987 the Legislature prohibited allowing minors on the premises of commercial establishments where there is a live performance which contains erotic material. Violation of this provision is a gross misdemeanor.

SUMMARY:

The statutory definitions relating to erotic materials, court determination, prosecution and exemptions are repealed and replaced with provisions prohibiting the display, sale, or distribution to minors of materials which are harmful to minors. Material which may be harmful to minors includes written and visual materials and live performances containing patently offensive sexual conduct which lacks serious literary, artistic, political, or scientific value for minors. A person who displays materials harmful to minors in a manner in which minors may view it, sells, or otherwise distributes to a minor material harmful to minors, or presents to a minor a live performance which is harmful to minors is guilty of a gross misdemeanor.

EFFECT OF PROPOSED SUBSTITUTE:

Existing statutory language is left in the bill, clarifying the state preemption over communities passing their own obscenity statutes. Additional repealers are attached to remove language that is repealed by the bill.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Current language is not strict enough and does not specifically address minors. The bill outlines strict protections of minors that will need to be decided by a court.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Helen Johnson, citizen; Marilyn Hatch, citizen; Andrea Vangor, Washington Together Against Pornography; Chris Quinn-Brintnall, Sr. Deputy Prosecuting Attorney, Pierce County