

**DISSEMINATING, EXHIBITING, OR DISPLAYING SEXUALLY EXPLICIT MATTER TO MINORS
(EXCERPT)
Act 33 of 1978**

722.675 Disseminating sexually explicit matter to minor; felony; penalty.

Sec. 5.

(1) A person is guilty of disseminating sexually explicit matter to a minor if that person does either of the following:

- (a) Knowingly disseminates to a minor sexually explicit visual or verbal material that is harmful to minors.
- (b) Knowingly exhibits to a minor a sexually explicit performance that is harmful to minors.

(2) A person knowingly disseminates sexually explicit matter to a minor if the person knows both the nature of the matter and the status of the minor to whom the matter is disseminated.

(3) A person knows the nature of matter if the person either is aware of its character and content or recklessly disregards circumstances suggesting its character and content.

(4) A person knows the status of a minor if the person either is aware that the person to whom the dissemination is made is under 18 years of age or recklessly disregards a substantial risk that the person to whom the dissemination is made is under 18 years of age.

(5) Disseminating sexually explicit matter to a minor is a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$10,000.00, or both. In imposing the fine, the court shall consider the scope of the defendant's commercial activity in disseminating sexually explicit matter to minors.

History: 1978, Act 33, Eff. June 1, 1978 ;-- Am. 1999, Act 33, Eff. Aug. 1, 1999 ;-- Am. 2003, Act 192, Eff. Jan. 1, 2004

Constitutionality: Act 33 of 1999 violates the First Amendment and the Dormant Commerce Clause of the US Constitution. Defendants are permanently restrained and enjoined from enforcing any provisions of 1999 PA 33. *Cyberspace Communications, Inc v Engler*, 142 F Supp 2d 827 (ED Mich, 2001).