

STATE OF ARIZONA
29th LEGISLATURE
2nd REGULAR SESSION

SENATE

S.B. 42

INTRODUCED

January 14, 1970

Referred to	Date	Reported Out
Rules		

Committee of Whole _____

3rd Reading — Aye _____ No _____ Absent _____

House Action _____

Sent to Governor _____ Action _____

Introduced by Senators Kret, Jacquin, Halacy, Holley, Conlan, Jones, Goetze,
& O'Connor

AN ACT

RELATING to Crimes; Providing for Restrictions on the Sale and Distribution of Pornographic Literature to Minors under Eighteen Years of Age, and Amending Title 13, Chapter 2, Article 28, Arizona Revised Statutes, by Adding Sections 13-536 and 13-537.

1. **Be it enacted by the Legislature of the State of Arizona:**
2. **Section 1. LEGISLATIVE INTENT**
3. It is the intent of the legislature to restrict the sale and distribution
4. of pornographic literature to minors in the state of Arizona.
5. Sec. 2. Title 13, chapter 2, article 28, Arizona Revised Statutes, is
6. amended by adding Sections 13-536 and 13-537, to read:
7. **NEW SEC. 13-536. DEFINITIONS**
8. In this section and Section 13-537, unless the context otherwise
9. requires:
10. 1. "Harmful to juveniles" means that quality of any description or
11. representation, in whatever form, of nudity, sexual conduct, sexual
12. excitement, or sado-masochistic abuse, when it:
13. (a) Predominantly appeals to the prurient, shameful or morbid
14. interest of juveniles, and
15. (i) Is patently offensive to prevailing standards in the adult
16. community as a whole with respect to what is suitable material for
17. juveniles, and
18. (ii) Is utterly without redeeming social importance for juveniles.
19. 2. "Juvenile" means any person under the age of eighteen years.
20. 3. "Knowingly" means having general knowledge of, or reason to

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1. know, or a belief or ground for belief which warrants further inspection
2. or inquiry or both:
3. (a) The character and content of any material described in this
4. section and Section 13-537 which is reasonably susceptible of
5. examination by the defendant, and
6. (b) The age of the juvenile, provided that an honest mistake shall
7. constitute an excuse from liability under this section and Section
8. 13-537 if the defendant made a reasonable bona fide attempt to
9. ascertain the true age of such juvenile.
10. 4. "Nudity" means the showing of the human male or female
11. genitals, pubic area or buttocks with less than a full opaque covering or
12. the showing of the female breast with less than a fully opaque covering
13. of any portion thereof below the top of the nipple, or the depiction of
14. covered male genitals in a discernibly turgid state.
15. 5. "Sado-masochistic abuse" means flagellation or torture by or
16. upon a person clad in undergarments, a mask or bizarre costume, or the
17. condition of being fettered, bound or otherwise physically restrained
18. on the part of one so clothed.
19. 6. "Sexual conduct" means acts of masturbation, homosexuality,
20. sexual intercourse, or physical contact with a person's clothed or
21. unclothed genitals, pubic area, buttocks or, if such person be a female,
22. breast.
23. 7. "Sexual excitement" means the condition of human male or
24. female genitals when in a state of sexual stimulation or arousal.
25. **NEW SEC. 13-537. PORNOGRAPHIC LITERATURE; MOTION**
26. **PICTURE FILM; PENALTY**
27. A. It is unlawful for any person knowingly to sell or loan for
28. monetary consideration to a juvenile:
29. 1. Any picture, photograph, drawing, sculpture, motion picture
30. film, or similar visual representation or image of a person or portion of
31. the human body which depicts nudity, sexual conduct, sexual
32. excitement, or sado-masochistic abuse and which is harmful to
33. juveniles, or
34. 2. Any book, pamphlet, magazine, printed matter however
35. reproduced, or sound recording which contains any matter enumerated
36. in paragraph 1 of this section, or explicit and detailed verbal
37. descriptions or narrative accounts of sexual excitement, sexual conduct,
38. or sado-masochistic abuse and which, taken as a whole, is harmful to
39. juveniles.
40. B. It is unlawful for any person knowingly to exhibit for a
41. monetary consideration to a juvenile or knowingly to sell to a juvenile
42. an admission ticket or pass or knowingly to admit a juvenile for a
43. monetary consideration to premises whereon there is exhibited, a
44. motion picture, show or other presentation which in whole or in part,
45. depicts nudity, sexual conduct, sexual excitement, or sado-masochistic

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1. abuse and which is harmful to juveniles.
2. C. A person who violates any provision of this section is guilty of a
3. misdemeanor punishable by a fine not to exceed three hundred dollars,
4. by imprisonment in the county jail for a term not to exceed three
5. months, or both.
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