

**SENATE BILL NO. 31**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATOR LINCOLN

Introduced: 1/16/95

Referred: HES, JUD

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the sale, display, or distribution of material harmful to  
2 minors at places where minors are allowed to be present and where minors are  
3 allowed to view such material."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 11.61 is amended by adding a new section to read:

6           Sec. 11.61.129. SALE OR DISPLAY OF MATERIAL HARMFUL TO  
7 MINORS. (a) A person commits the crime of sale or display of material harmful to  
8 minors if the person knowingly sells, displays, or distributes any material, including  
9 the covers and packaging of the material, that is harmful to minors in any place where  
10 minors are present or are allowed to be present and where minors are able to view  
11 such material unless each item of the material is sealed in an opaque wrapper.

12           (b) In this section, the requirement of an opaque wrapper shall be satisfied if  
13 the portions of the covers or packaging of the material that visually depict material  
14 harmful to minors are blocked with the opaque wrapper and the wrapper is sealed.

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(c) This section does not apply to

(1) recognized and established schools, religious institutions, museums, medical or psychological clinics, hospitals, public libraries, and governmental agencies in making available or providing material harmful to minors to a minor as an official function; or

(2) a parent or guardian of a minor who provides material harmful to minors to the minor.

(d) In this section, "material harmful to minors" means a description or representation, in any form, of nudity, sexual conduct, or sexual excitement when it

(1) predominately appeals to the prurient, shameful, or morbid interest of minors in sex;

(2) is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors; and

(3) taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

(e) Sale or display of material harmful to minors is a class B misdemeanor.