

HOUSE BILL NO. 487

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE KOTT

Introduced: 2/14/94

Referred: Labor & Commerce, Judiciary, Finance

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 present or allowed to be present and where
3 minors are able to view such material; and prohibiting the sale or display of
4 certain audio recordings, phonograph records, magnetic tapes, compact discs, or
5 videotapes, without warning labels and opaque wrappings."

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

7 * Section 1. AS 11.61 is amended by adding new sections to read:

8 Sec. 11.61.127. SALE, DISPLAY, OR DISTRIBUTION OF MATERIAL
9 HARMFUL TO MINORS. (a) A person commits the crime of sale, display, or
10 distribution of material harmful to minors if the person knowingly sells, displays, or
11 distributes any material, including the covers and packaging of the material, but not
12 including audio or video recordings, that is harmful to minors in any place where
13 minors are present or are allowed to be present and where minors are able to view

1 such material unless each item of the material is sealed in an opaque wrapper.

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

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

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

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

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

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

14 Sec. 11.61.128. UNLAWFUL SALE OR DISPLAY OF AUDIO OR VIDEO
15 RECORDING. (a) A person commits the crime of unlawful sale of audio or video
16 recording if the person knowingly sells or offers to sell an audio recording,
17 phonograph record, magnetic tape, compact disc, or videotape that contains lyrics that
18 include or are descriptive of material harmful to minors, unless the cover of such
19 recording, record, tape, or disc contains a warning label that the lyrics contain material
20 harmful to minors.

21 (b) A person commits the crime of unlawful display of audio or video
22 recording if the person knowingly displays an audio recording, phonograph record,
23 magnetic tape, compact disc, or videotape, whose packaging uses words, symbols, or
24 pictures that include or describe material harmful to minors unless the recording is
25 sealed in an opaque wrapping.

26 (c) In this section, the requirement of a warning label shall be satisfied if the
27 label is affixed to the front cover, beneath any cellophane or other clear wrapping
28 material or above any opaque wrapping material, of the audio recording, phonograph
29 record, magnetic tape, compact disc, or videotape and for (1) cassette tapes and
30 compact discs or video recordings the same size or smaller than cassette tapes or
31 compact discs, is printed with black letters of eight point type or larger, except that the

1 words "WARNING" and "PARENTAL ADVISORY" shall be of 10 point type or
2 larger on a fluorescent yellow background; or (2) all other audio recordings larger than
3 cassette tapes or compact discs, is printed with black letters of 12 point type or larger
4 on a fluorescent yellow background, except that the words "WARNING" and
5 "PARENTAL ADVISORY" shall be printed in letters which are of 48 point type or
6 larger, and the label reads substantially as follows:

7 "WARNING:

8 May contain explicit lyrics that include or describe material
9 harmful to minors.

10 PARENTAL ADVISORY".

11 (d) In this section, the requirement of an opaque wrapper is satisfied if the
12 portions of the packaging of the audio recording, phonograph record, magnetic tape,
13 compact disc, or videotape that describe, advocate, or encourage the conduct described
14 in (b) of this section are blocked with an opaque wrapper and the wrapper is sealed.

15 (e) In a prosecution under this section, each day that a violation occurs and
16 each audio recording, phonograph record, magnetic tape, compact disc, or videotape
17 that is found in violation of this section is a separate offense.

18 (f) In this section, "material harmful to minors" has the meaning given in
19 AS 11.61.127.

20 (g) Except as provided in (h) of this section, a violation of (a) or (b) of this
21 section is a class B misdemeanor.

22 (h) A person convicted under this section is guilty of a class A misdemeanor
23 if the person has previously been convicted of a violation of this section.