

CS FOR SENATE BILL NO. 216(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 3/14/94
Referred: HES, JUD

Sponsor(s): SENATOR LINCOLN

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 music video recordings, 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 music video recordings, that is harmful to minors in any place
13 where minors are present or are allowed to be present and where minors are able to

1 view 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,

6 (1) "material harmful to minors" means a

7 (A) description or representation, in any form, of nudity, sexual
8 conduct, or sexual excitement when it

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

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

14 (iii) taken as a whole, lacks serious literary, artistic,
15 political, or scientific value for minors; or

16 (B) graphic description, representation of, or incitement to
17 violent behavior that if acted out would constitute felonious behavior that is
18 morally repugnant to the community as a whole;

19 (2) "music video recording" means a visual depiction of a song or
20 songs that is not voluntarily rated by the Classification and Rating Administration
21 (CARA).

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

23 Sec. 11.61.128. UNLAWFUL SALE OR DISPLAY OF AUDIO OR MUSIC
24 VIDEO RECORDING. (a) A person commits the crime of unlawful sale of audio or
25 music video recording if the person knowingly sells or offers to sell an audio
26 recording, phonograph record, magnetic tape, compact disc, or music video recording
27 that contains lyrics that include or are descriptive of material harmful to minors, unless
28 the cover of such recording, record, tape, or disc contains a warning label that the
29 lyrics contain material harmful to minors.

30 (b) A person commits the crime of unlawful display of audio or music video
31 recording if the person knowingly displays an audio recording, phonograph record,

1 magnetic tape, compact disc, or music video recording, whose packaging uses words,
2 symbols, or pictures that include or describe material harmful to minors unless the
3 recording is sealed in an opaque wrapping.

4 (c) In this section, the requirement of a warning label shall be satisfied if the
5 label is affixed to the front cover, beneath any cellophane or other clear wrapping
6 material or above any opaque wrapping material, of the audio recording, phonograph
7 record, magnetic tape, compact disc, or music video recording and for (1) cassette
8 tapes and compact discs or other recordings the same size or smaller than cassette
9 tapes or compact discs, is printed with black letters of eight point type or larger, except
10 that the words "WARNING" and "PARENTAL ADVISORY" shall be of 10 point type
11 or larger on a fluorescent yellow background; or (2) all other audio or music video
12 recordings larger than cassette tapes or compact discs, is printed with black letters of
13 12 point type or larger on a fluorescent yellow background, except that the words
14 "WARNING" and "PARENTAL ADVISORY" shall be printed in letters which are of
15 48 point type or larger, and the label reads substantially as follows:

16 "WARNING:

17 May contain explicit lyrics that include or describe material
18 harmful to minors.

19 PARENTAL ADVISORY".

20 (d) In this section, the requirement of an opaque wrapper is satisfied if the
21 portions of the packaging of the audio recording, phonograph record, magnetic tape,
22 compact disc, or music video recording that describe, advocate, or encourage the
23 conduct described in (b) of this section are blocked with an opaque wrapper and the
24 wrapper is sealed.

25 (e) In a prosecution under this section, each day that a violation occurs and
26 each audio recording, phonograph record, magnetic tape, compact disc, or music video
27 recording that is found in violation of this section is a separate offense.

28 (f) In this section, "material harmful to minors" and "music video recording"
29 have the meanings given in AS 11.61.127.

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

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