

**PRELIMINARY** STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Judiciary

**REVENUE:** No revenue impact

**FISCAL:** Minimal fiscal impact, no statement issued

**SUBSEQUENT REFERRAL TO:**

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**Action:**

**Vote:**

**Yeas:**

**Nays:**

**Exc.:**

**Prepared By:** Eric Deitrick, Counsel

**Meeting Dates:** 5/20, 6/1

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**WHAT THE MEASURE DOES:** Modifies crime of displaying obscene materials to minors. Eliminates depictions of nudity from definition of obscene materials. Adds instruments or devices designed for sexual stimulation to list of prohibited materials for minors, if that minor is under the age of 14 years old.

**ISSUES DISCUSSED:**

- Availability of sex toys in stores
- Progression of bill from original measure to A-engrossed version
- A-engrossed bill has two prohibitions – selling devices to minors and displaying devices in areas where minors are permitted

**EFFECT OF COMMITTEE AMENDMENT:** Proposed (-A2) amendment eliminates provision that prohibits displaying devices in areas where minors are permitted. Prohibits certain persons from selling sex toys to a minor under the age of 18, unless the minor is accompanied by a parent or guardian.

**BACKGROUND:** Currently, it is a Class A misdemeanor offense for a person to make obscene materials available to minors. Specifically, a person violates the statute if, while acting as a manager on behalf of a business, the person knowingly or recklessly allows minors into a part of a business where obscene materials are available, or sells obscene materials to a minor. Sex toys are not included in the list of obscene materials.

House Bill 3365-A adds sex toys to the list of materials and prohibits those from being made available to people under the age of 14. It eliminates depictions of nudity from definition of obscene materials. In addition, the bill renames the offense “making obscene materials available to minors.”