



## 2005 ASSEMBLY BILL 634

August 30, 2005 – Introduced by Representatives POPE-ROBERTS, TRAVIS, ALBERS, BERCEAU, FIELDS, GRONEMUS, MCCORMICK, OTT and SHERIDAN, cosponsored by Senators MILLER, ROESSLER and GROTHMAN. Referred to Committee on Criminal Justice and Homeland Security.

1     **AN ACT to amend** 948.11 (1) (ar) 1.; and **to create** 948.11 (1) (ar) 1m. of the  
2             **statutes; relating to:** computer or video games that are harmful to children.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits knowingly providing harmful material to a child and knowingly possessing harmful material with intent to provide the material to a child. Harmful material includes any picture, photograph, drawing, sculpture, film, or similar visual representation or image that depicts nudity, sexually explicit conduct, sadomasochism, or physical torture or brutality if the representation or image is harmful to children. A representation or image is “harmful to children” when it: 1) predominantly appeals to the prurient, shameful, or morbid interest of children; 2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for children; and 3) lacks serious literary, artistic, political, scientific, or educational value for children, when taken as a whole.

A person who unlawfully provides harmful material to a child is guilty of a Class I felony and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to three and a half years (which, if the sentence is for more than one year, consists of a term of confinement followed by a term of extended supervision) or both. A person who possesses harmful material with intent to provide it to a child is guilty of a Class A misdemeanor and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to nine months or both.

