

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

880B0440

SENATE ENGROSSED NO. **SB177** - 2/4/98

Introduced by: Senators Aker, Dunn (Rebecca), Frederick, Hainje, Halverson, Hunhoff, Hutmacher, Johnson (William), Lawler, Reedy, and Vitter and Representatives Hunt, Apa, Brooks, Duenwald, Fitzgerald, Gabriel, Hagg, Hassard, Koskan, Madden, McNenny, Smidt, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to revise and clarify certain provisions concerning the
2 regulation of pornography and obscenity.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-24-25 be amended to read as follows:

5 22-24-25. Except as provided in §§ ~~22-24-36~~ and 22-24-37, nothing contained in this chapter
6 limits any county or municipality from regulating obscene material or obscene live conduct within
7 its jurisdiction. ~~However, the county or municipality shall follow the procedural requirements of~~
8 ~~this chapter.~~

9 Section 2. That § 22-24-36 be repealed.

10 ~~22-24-36. Nothing contained in this chapter shall prohibit the exhibition or distribution of~~
11 ~~material to adults.~~

12 Section 3. That § 22-22-23.1 be amended to read as follows:

13 22-22-23.1. Any person who knowingly possesses any book, magazine, pamphlet, slide,
14 photograph, or film depicting a minor under the age of eighteen years engaging in a prohibited

- 1 sexual act or in the simulation of such act or whose knowing possession encourages, aids, abets,
- 2 or entices any person to commit a "prohibited sexual act" is guilty of a ~~Class 4 misdemeanor~~
- 3 Class 6 felony.

1 **BILL HISTORY**

2 1/22/98 First read in Senate and referred to Local Government. S.J. 164

3 1/28/98 Scheduled for Committee hearing on this date.

4 2/2/98 Scheduled for Committee hearing on this date.

5 2/2/98 Local Government Do Pass, Passed, AYES 7, NAYS 0. S.J. 277

6 2/3/98 Motion to Amend,. S.J. 309

7 2/3/98 Motion to Amend, Passed, AYES 26, NAYS 9. S.J. 310

8 2/3/98 Senate Do Pass Amended, Passed, AYES 32, NAYS 3. S.J. 312