

ASSEMBLY BILL NO. 282—ASSEMBLYMEN LEE, GIBBONS, SEGERBLOM,
MORTENSON, NEIGHBORS, THOMAS, KOIVISTO, MCCLAIN, GOLDWATER,
PERKINS, CEGAVSKE AND COLLINS

FEBRUARY 18, 1999

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing unlawful exhibition or distribution of material that is harmful to minors. (BDR 15-1475)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to crimes; revising the provisions governing the unlawful exhibition or distribution of material that is harmful to minors; making it unlawful under certain circumstances for a person knowingly to exhibit, sell or offer to sell in a vending machine located in a public place material that is harmful to minors; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 201.261 is hereby amended to read as follows:
2 201.261 “Nudity” means ~~the~~ :
3 1. *The showing of the human female breast with less than a fully*
4 *opaque covering of any portion thereof below the top of the nipple;*
5 2. *The showing of the human male or female genitals or pubic area*
6 *with less than a fully opaque covering of any portion thereof; or the*
7 3. *The depiction of covered the human male genitals in a discernible*
8 *turgid state [,], whether or not covered.*
9 **Sec. 2.** NRS 201.265 is hereby amended to read as follows:
10 201.265 ~~Except~~ *Unless a greater penalty is provided by specific*
11 *statute and except* as otherwise provided in NRS ~~200.720 and~~ 201.2655,
12 a person is guilty of a misdemeanor if the person knowingly:
13 1. Distributes or causes to be distributed to a minor material that is
14 harmful to minors, unless the person is the parent, guardian or spouse of
15 the minor.

2. Exhibits for distribution to an adult in such a manner or location as to allow a minor to view or to have access to examine material that is harmful to minors, unless the person is the parent, guardian or spouse of the minor.

3. Sells to a minor an admission ticket or pass for or otherwise admits a minor for monetary consideration to any presentation of material that is harmful to minors, unless the minor is accompanied by his parent, guardian or spouse.

4. Misrepresents that he is the parent, guardian or spouse of a minor for the purpose of:

(a) Distributing to the minor material that is harmful to minors; or

(b) Obtaining admission of the minor to any presentation of material that is harmful to minors.

5. Misrepresents his age as 18 or over for the purpose of obtaining:

(a) Material that is harmful to minors; or

(b) Admission to any presentation of material that is harmful to minors.

6. Sells or rents motion pictures which contain material that is harmful to minors on the premises of a business establishment open to minors, unless the person creates an area within the establishment for the placement of the motion pictures and any material that advertises the sale or rental of the motion pictures which:

(a) Prevents minors from observing the motion pictures or any material that advertises the sale or rental of the motion pictures; and

(b) Is labeled, in a prominent and conspicuous location, "Adults Only."

7. Exhibits, sells or offers to sell in a vending machine located in a public place material that is harmful to minors, unless:

(a) Minors are excluded from the public place where the vending machine is located;

(b) The vending machine is supervised by a person who is 18 years of age or older;

(c) The owner, lessee or operator of the vending machine has established a procedure that requires a person who wants to obtain material from the vending machine to use a token which is designed to be used only in such vending machines and which may be obtained only after the owner, lessee or operator, or his agent or employee, has taken reasonable measures to ascertain that the person is 18 years of age or older; or

(d) The owner, lessee or operator of the vending machine has established:

(1) A procedure that requires a person who wants to obtain material from the vending machine to use an authorized access card or an identification card which is designed to be used only in such vending

1 *machines and which may be obtained only after the owner, lessee or*
2 *operator, or his agent or employee, has taken reasonable measures to*
3 *ascertain that the person is 18 years of age or older; and*

4 *(2) A procedure to cancel such a card immediately after the owner,*
5 *lessee or operator, or his agent or employee, has received oral or written*
6 *notice that the card:*

7 *(I) Is no longer wanted;*

8 *(II) Has been lost or stolen; or*

9 *(III) Has been used by a person who is less than 18 years of age.*

10 **Sec. 3.** The amendatory provisions of this act do not apply to offenses
11 that were committed before the effective date of this act.

12 **Sec. 4.** This act becomes effective upon passage and approval.