

SENATE BILL REPORT

HB 2554

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 25, 1992

**Brief Description:** Regarding sale of erotic sound recordings to minors.

**SPONSORS:** Representatives R. King, Padden, Scott, Casada, Paris, Pruitt, Brough, Belcher, Rasmussen and Nealey

**HOUSE COMMITTEE ON JUDICIARY**

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** Do pass as amended.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, M. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

**Staff:** Lidia Mori (786-7755)

**Hearing Dates:** February 25, 1992

**BACKGROUND:**

The sale, distribution or exhibition of erotic material to minors is generally prohibited. Under current law, however, only visual material, including printed material, is explicitly affected by this prohibition. Recently concern has been expressed about the availability to minors of erotic sound recordings.

"Erotic material" as currently defined means printed material, photographs, pictures, motion pictures or other material the dominant theme of which taken as a whole appeals to the prurient interest of minors in sex, and which is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters or sadomasochistic abuse, and which is utterly without redeeming social value.

Following notice to a dealer, distributor, or exhibitor, a county prosecuting attorney may seek a judicial determination that the material is erotic. If the material is found to be erotic, it must be labelled "adults only" and may not be displayed or sold in a manner that makes the material readily accessible to minors. Failure to comply with these labelling and display provisions subjects the dealer, distributor, or exhibitor to contempt. Actually selling, distributing, or exhibiting such material to a minor is a crime. A first offense carries a maximum fine of \$500 and up to six months in jail; a second offense carries a maximum fine of \$1,000 and up to a year in jail; and a third offense is a felony with a

maximum fine of \$5,000 and a minimum jail sentence of one year.

Retailers who try to comply with the requirements of this law may not be discriminated against by their wholesalers or franchisers. Treble damages may be awarded against any wholesaler or franchiser who violates this provision.

The law does not apply to public libraries, recognized historical societies and museums, county law libraries, libraries of colleges and universities, the state library, the state law library or public archives. An exception to the law is also made for minors who are accompanied by a parent or guardian while attending a motion picture.

**SUMMARY:**

Erotic sound recordings are added to the definition of "erotic material" that may not be sold, distributed or exhibited to minors.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**SUMMARY OF PROPOSED SENATE AMENDMENT:**

It is a defense to a violation of the prohibition against the sale, distribution, or exhibition of erotic sound recordings to a minor that the minor was accompanied by a parent, parent's spouse, or guardian.

Dealers and distributors are prohibited from displaying erotic sound recordings in their store windows, on outside newsstands on public thoroughfares, or in any other manner that makes an erotic publication or the contents of an erotic sound recording readily accessible to minors.

**TESTIMONY FOR:**

This bill simply adds sound recordings to the law already on the books. It draws the line regarding what material should be available to minors.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Representative Dick King (pro); Representative Mike Padden (pro); Karen Leslie (pro); Jason Small, Youth Action Coalition (pro); Richard Hemstad, Recording Industry Association of America (pro); Mike Redman, Washington Association of Prosecuting Attorneys (pro)