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Bill Analysis
Legislative Service Commission

H.B. 239

127th General Assembly
(As Introduced)

Reps. Latta, J. McGregor, Evans, Goodwin, Okey, Seitz, Aslanides, Stebelton, Combs, Fessler

BILL SUMMARY

- Clarifies the definition of "harmful to juveniles" in the Obscenity Law.

CONTENT AND OPERATION

Current law

Under current law, "harmful to juveniles" means that quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply (R.C. 2907.01(E)):

(1) The material or performance, when considered as a whole, appeals to the prurient interest in sex of juveniles.

(2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.

(3) The material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles.

The bill

The bill amends the definition of "harmful to juveniles" by clarifying the first standard (see (1) above) that the material or performance, when considered as a whole, appeals to a juvenile's prurient interest in sex, rather than appealing to the prurient interest in sex of juveniles (see **COMMENT**) (R.C. 2907.01(E)(1)).

This definitional clarification would affect Obscenity Law provisions regarding the dissemination, display, and deception to obtain matter harmful to juveniles (R.C. 2907.31, 2907.311, 2907.33, 2907.35, and 2907.36), as well as

internet- or computer-based community schools required to use a filtering device or install filtering software that protects students against materials that are harmful to juveniles (R.C. 3314.21(C)(1)), and what the Director of Rehabilitation and Correction must consider when allowing prisoners to receive and retain certain materials (R.C. 5120.426), by potentially expanding what materials or performances would be considered harmful to juveniles.

COMMENT

Under current law, this provision generally outlines certain standards that sexually related materials or performances must meet in order to be considered "harmful to juveniles." However, the first standard could be interpreted to mean that the material or performance must appeal to *anyone's* prurient interest in sex *with* juveniles, thus only materials or performances involving sex with juveniles would be harmful to juveniles. The bill clarifies that materials or performances appealing to the *juvenile's* prurient interest in sex, generally, would be considered harmful to juveniles.

HISTORY

ACTION	DATE
Introduced	05-29-07

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