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SENATE FILE 240
BY HESTER

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to contemporary community standards in the rental
2 or sale of hard-core pornography.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 240

1 Section 1. Section 728.4, Code 1991, is amended to read as
2 follows:

3 728.4 RENTAL OR SALE OF HARD-CORE PORNOGRAPHY.

4 A person who knowingly rents, sells, or offers for rental
5 or sale material depicting patently offensive representations
6 of oral, anal, or vaginal intercourse, actual or simulated,
7 involving humans, or depicting patently offensive
8 representations of masturbation, excretory functions, or
9 bestiality, or lewd exhibition of the genitals, which the
10 average adult taking the material as a whole in applying
11 statewide contemporary community standards would find appeals
12 to the prurient interest; and which material, taken as a
13 whole, lacks serious literary, scientific, political, or
14 artistic value, upon conviction is guilty of an aggravated
15 misdemeanor. However, second and subsequent violations of
16 this section by a person who has been previously convicted of
17 violating this section are class "D" felonies. Charges under
18 this section may only be brought by a county attorney or by
19 the attorney general.

20 EXPLANATION

21 The bill eliminates the requirement that in examining
22 whether materials are obscene, the materials must be
23 considered applying "statewide" contemporary community
24 standards. The bill applies to the section prohibiting rental
25 or sale of hard-core pornography.

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