
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

Crowe (SB 152)

Present law provides that the attorney general has the authority to protect the public, investigate and restrain unfair or deceptive trade practices pursuant to the Unfair Trade Practices and Consumer Protection Law.

Proposed law retains present law and provides that it will be an unfair or deceptive trade practice for any retail business to engage in a pattern of activity where a retailer, on at least five separate occasions, sells or distributes goods, materials, or services to anyone under the age of 18 where such goods, materials, or services contain sexually explicit conduct.

Proposed law defines "sexually explicit conduct" to mean any of the following:

1. Graphic sexual intercourse, including genital to genital, oral to genital, anal to genital, or oral to anal, whether between persons of the same or opposite sex, or between a person and an animal.
2. Masturbation where the genital, breast, or pubic area of any person is exhibited.
3. Sadistic or masochistic abuse, where the genital, breast, or pubic area of any person is exhibited.
4. Graphic or simulated lascivious exhibition of the genital or pubic area of any person.

Present law provides that the attorney general may pursue an injunction, in court, against a person who violates the terms of the Unfair Trade Practices and Consumer Protection Law or obtain a voluntary compliance agreement with the violator, in lieu of that court ordered injunction.

Present law provides that, if the injunction or a written voluntary compliance agreement is violated, the attorney general may pursue a civil fine in court of not more than \$5,000.

Proposed law retains present law and provides that a retailer who engages in a pattern of activity by selling obscene materials to a minor can be subjected to the civil penalties contained in the Unfair Trade Practices and Consumer Protection Law.

Proposed law does not apply to the internet.

Effective January 1, 2010.

(Adds R.S. 51:1427)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill.

1. Changes language from prohibiting a business from selling or distributing materials which are labeled with an age restriction to a person under the recommended age to a restriction against selling or distributing materials containing sexually explicit conduct to minors.
2. Provides a definition for sexually explicit conduct.
3. Exempts internet providers.