



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: GOV DPA 5-3-0-0 | 3rd Read 16-14-0-0

House: GOV DP 5-4-0-0

SB 1696: sexually explicit materials; government; prohibition

Sponsor: Senator Hoffman, LD 15

House Engrossed

Overview

Outlines prohibitions on the State of Arizona, a state agency or a city, town, county or a political subdivision of the state (Entities) regarding sexually explicit materials.

History

Currently, it is unlawful for any person to knowingly place explicit sexual material on public display, or knowingly fail to take prompt action to remove a display from property in his possession or under his control. Classifies a violation of this statute as a class 6 felony ([A.R.S. § 13-3507](#)).

It is currently unlawful for any person, with knowledge of the character of the item involved, to recklessly furnish, present, provide, make available, give, lend, show, advertise or distribute any item that is harmful to minors ([A.R.S. § 13-3506](#)).

Statute defines *Harmful to Minors* as, the description or representation, in any form, of nudity, sexual activity, sexual conduct, sexual excitement, or sadomasochistic abuse when it both:

- 1) Appeals to a morbid interest in nudity and obscene or pornographic matters; and
- 2) Taken as a whole does not have serious literary, artistic, political or scientific value for minors ([A.R.S. § 13-3501](#)).

Regarding students, statute asserts that except for sex education, a public school may not refer a student to use any sexually explicit material unless the following are met:

- 1) The material possesses serious educational value for minors or serious literary, artistic, political or scientific value; and
- 2) The public school requires written parental consent before referring a student to or using the material ([A.R.S. § 15-120.03](#)).

Provisions

1. Prohibits Entities, and their contractors, from exposing minors to sexually explicit materials. (Sec. 1)
2. Prohibits a facility or property owned, leased or managed by a person or Entity from being used to film or facilitate sexually explicit acts. (Sec. 1)
3. Classifies a violation of the prohibition as a class 5 felony. (Sec. 1)
4. Defines the following:
 - a) *Sexual conduct*;
 - b) *Sexual excitement*;
 - c) *Sexually explicit materials*; and
 - d) *Ultimate sexual acts*. (Sec. 1)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note