



H.B. 205

127th General Assembly
(As Introduced)

Reps. Goodwin, Wachtmann, J. McGregor, Miller, Setzer, Stebelton,
Wagoner

BILL SUMMARY

- Requires that upon final disposition of a criminal proceeding, a defendant, who through discovery has obtained copies, photographs, duplicates, or other reproductions of any obscene material that has a minor as one of its participants or portrayed observers, must deposit all of those materials with the court.
- Directs the court to dispose of the obscene materials as provided by law or rules of court or, if there is no applicable law or rule of court, to promptly destroy the obscene materials.

CONTENT AND OPERATION

Deposit of obscene material with the court

The bill provides that upon final disposition of a criminal proceeding, a defendant who through discovery in the proceeding has obtained copies, photographs, duplicates, or other reproductions of any obscene material that has a minor as one of its participants or portrayed observers must deposit all of those copies, photographs, duplicates, or other reproductions with the court. The court must dispose of those materials in accordance with applicable law or rules of court. However, if no law or rules of court apply, the bill directs the court to promptly destroy the copies, photographs, duplicates, or other reproductions. (R.C. 2945.60(B).)

Definitions

The following terms are used in the bill and have the same meanings as in R.C. 2907.01, which defines the terms as follows (R.C. 2945.60(A), referencing R.C. 2907.01):

(1) When considered as a whole, and judged with reference to ordinary adults or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to that group, any material or performance is "obscene" if any of the following apply:

(a) Its dominant appeal is to prurient interest;

(b) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite;

(c) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;

(d) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose;

(e) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

(2) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape, or similar data storage device.

(3) "Minor" means a person under the age of 18.

HISTORY

ACTION

DATE

Introduced

05-03-07

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