

PURPOSE: Removes exemptions for elementary, middle, and secondary schools, removes exemptions for churches and public libraries, narrows parental exemption

A bill for an act

Relating to obscenity, abolishing exemptions for elementary, middle, and secondary schools, abolishing exemptions for churches and public libraries, changing parental exemption; amending Minnesota Statutes 20XX, section 617.295.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 20XX, section 617.295 is amended to read:

The following are exempt from criminal or other action hereunder:

(1) recognized and established ~~schools, colleges, universities, churches,~~ museums, medical clinics and physicians, hospitals, ~~public libraries, college libraries, university libraries,~~ governmental agencies or ~~quasi-governmental-sponsored organizations,~~ and persons acting in their capacity as employees or agents of such organization. For the purpose of this section “recognized and established” shall mean an organization or agency having a full time faculty and diversified curriculum in the case of a ~~school, college or university;~~ ~~a church affiliated with a national or regional denomination;~~ a licensed physician or psychiatrist or clinic of licensed physicians or psychiatrists; and in all other exempt organizations shall refer only to income tax exempted organizations which are supported in whole or in part by tax funds or which receive at least one-third of their support from publicly donated funds;

(2) ~~individuals in a parental relationship with the minor;~~ parents; and

(3) motion picture machine operators, stagehands, or other theatre employees such as cashiers, doorkeepers, ushers, and concession employees, if such person or persons have no financial interest in the entertainment presented other than the salary or wage, or in any theatre or place where such employee has no financial interest when the employee's services are obtained solely for salary or wage; provided, that such employee is under the direct supervision of a theatre manager who is a resident of this state and who is not exempt from action under sections 617.291 to 617.297.

Private right of action: Any person injured as a result of a violation of this statute may bring a civil action in any court of competent jurisdiction against any party which has engaged in or caused another to engage in conduct that violates this statute, to recover:

- (1) A declaratory judgment;
- (2) Injunctive relief;
- (3) Reasonable attorney's fees and costs;

- (4) Actual, incidental and consequential damages;
- (5) Punitive damages, if appropriate; and
- (6) Any other equitable relief which the court deems proper.

For purposes of this section, a parent of a student enrolled in a school or child patronizing a public library in which the violation occurred is presumed to be a person allowed to bring a private right of action under this section.

Section 2. EFFECTIVE DATE.

This act is effective the day following final enactment.