

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION

S.F. No. 2882

(SENATE AUTHORS: CHAMBERLAIN and Nienow)

DATE	D-PG	OFFICIAL STATUS
03/24/2014	6801	Introduction and first reading Referred to Judiciary

1.1

A bill for an act

1.2

relating to education; modifying certain school liability provisions; creating

1.3

a civil cause of action; amending Minnesota Statutes 2012, sections 617.291,

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subdivision 2; 617.295; 617.296, by adding a subdivision.

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

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Section 1. Minnesota Statutes 2012, section 617.291, subdivision 2, is amended to read:

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Subd. 2. **Best interest.** It is in the best interest of the health, welfare, and safety

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of the citizens of this state, and especially of minors within the state, that commercial

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dissemination, and dissemination without monetary consideration in a place of public

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accommodation, of sexually explicit written, photographic, printed, sound or published

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materials, and of plays, dances, or other exhibitions presented before an audience, that are

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deemed harmful to minors, be restricted to persons over the age of 17 years; or, if available

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to minors under the age of 18 years, that the availability of the materials be restricted to

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sources within established and recognized ~~schools~~, churches, museums, medical clinics

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and physicians, hospitals, or public libraries, ~~or government sponsored organizations.~~

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Sec. 2. Minnesota Statutes 2012, section 617.295, is amended to read:

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**617.295 EXEMPTIONS.**

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The following are exempt from criminal or other action hereunder:

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(1) recognized and established ~~schools~~, churches, museums, medical clinics and

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physicians, hospitals, or public libraries, ~~governmental agencies or quasi-governmental~~

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~~sponsored organizations~~, and persons acting in their capacity as employees or agents of

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such organization. For the purpose of this section "recognized and established" shall mean

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an organization or agency having ~~a full-time faculty and diversified curriculum in the~~

~~ease of a school~~; 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; 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.

Sec. 3. Minnesota Statutes 2012, section 617.296, is amended by adding a subdivision to read:

Subd. 3. **Parental cause of action.** The parent or legal guardian of a child has a civil cause of action against a school or governmental institution when the school or governmental institution disseminates or otherwise displays to the child obscene material as defined in section 617.241, subdivision 1, paragraph (a). The plaintiff is entitled to recover the greater of \$1,000 or actual general and special damages, including damages for emotional distress. A plaintiff may also obtain reasonable attorney fees and an injunction or other appropriate relief.