

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

970H0501

## SENATE BILL NO. 74

Introduced by: Senators Moore, Albers, Brosz, Dennert, Duxbury, Everist, Ham, Hutmacher, Munson, and Sutton (Dan) and Representatives Michels, Burg, Flowers, Gillespie, Hanson (Gary), Hunhoff, Madsen, Olson (Mel), Peterson (Bill), and Sigdestad

1 FOR AN ACT ENTITLED, An Act to prohibit and proscribe the sale of prepaid adult  
2 entertainment cards and to provide certain penalties therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. For the purposes of this Act, a prepaid adult entertainment card is a product,  
5 either sold at retail or distributed gratis as a promotion, which permits the cardholder to access  
6 one or more erotic or pornographic internet sites by means of a predetermined user identification  
7 and password unique to each card. The cardholder enters the user identification and password  
8 on any computer and gains entry to a set number of hours of site access. When the set number  
9 of hours has been exhausted, the card expires.

10 Section 2. The Legislature finds that the primary objective of the producers and wholesalers  
11 of prepaid adult entertainment cards is to facilitate the ability of children and juveniles to access  
12 erotic and pornographic internet sites and to evade detection by parents, guardians, teachers, and  
13 monitors. Since the unsupervised access of children and juveniles to erotic and pornographic  
14 internet sites is clearly contrary to the best interests of the child, antagonistic to the public



1 interest, and a threat to the public peace, health, and safety, the Legislature finds prepaid  
2 entertainment cards to constitute a public nuisance and therefore to be outside of the normal  
3 stream of commerce.

4 Section 3. It is a Class 1 misdemeanor to sell, give, or distribute any prepaid adult  
5 entertainment card to any person eighteen years of age or younger. It is a Class 2 misdemeanor  
6 to sell, give, or distribute any prepaid adult entertainment card to any person nineteen years of  
7 age or older.

8 Section 4. As a public nuisance, all prepaid adult entertainment cards are subject to seizure  
9 and destruction without compensation by any law enforcement agency with appropriate  
10 jurisdiction.