

CITY COUNCIL MEETING

APRIL 4, 1983

LETTER RECEIVED
FROM ASSISTANT
ATTORNEY GENERAL
OF THE STATE RE
SCOPE OF A CITY'S
LEGISLATIVE
POWERS REGARDING
SEXUALLY EXPLICIT
TELEVISION
PROGRAMS

City Clerk Reimche presented the following letter which had been received from Jack R. Winkler, Assistant Attorney General, State of California:

"Honorable Phillip Isenberg
Assemblyman, Tenth District
State Capitol, Room 2175
Sacramento, CA 95814

Dear Mr. Isenberg:

Re: Opinion No. 83-305

This will acknowledge your February 4 request for an opinion concerning the scope of a city's legislative powers. Specifically you ask whether a California city has legislative power to prohibit the owner of a television set within the city to permit sexually explicit television programs to be viewed on such set by a minor without the consent of the minor's parents or guardian. We understand sexually explicit programs to fall within the definition of harmful material as defined in Penal Code section 313.

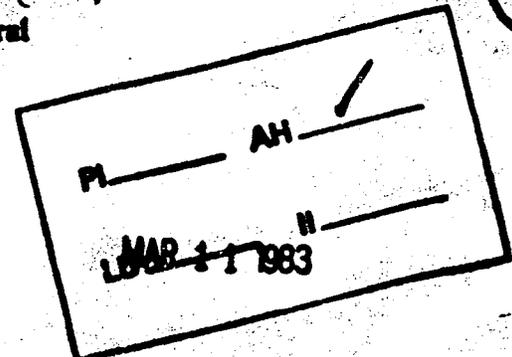
Your request has been assigned to an attorney in the Opinion Unit. A response will be forthcoming in the near future. Your request for an opinion is not regarded as a request for confidential advice and any response will be considered open to public inspection under the California Public Records Act."



State of California
Department of Justice

555 Capitol Mall, Suite 350
Sacramento 95834
(916) 445-9555

John A. Van de Kamp
Attorney General



March 9, 1983

Honorable Phillip Isenberg
Assemblyman, Tenth District
State Capitol, Room 2175
Sacramento, CA 95814

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Sincerely,

JACK R. WINKLER
Assistant Attorney General
Chief, Opinion Unit

JRW:cb

cc: Richard Martland
Daniel Kremer
Andrea Sheridan Ordin
Allen Sumner