

(PRE-FILED)

By: **Delegate Boschert**
Requested: August 22, 2001
Introduced and read first time: January 9, 2002
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Office of the Attorney General - Pornography Complaints Ombudsman**

3 FOR the purpose of creating the position of a Pornography Complaints Ombudsman
4 in the Office of the Attorney General; defining the function of the Ombudsman;
5 requiring the Attorney General to employ an attorney with certain
6 qualifications as Ombudsman; providing for the salary of the Ombudsman;
7 authorizing the Attorney General to employ certain staff; providing for the
8 duties of the Ombudsman; authorizing the adoption of certain regulations;
9 defining certain terms; requiring the Ombudsman, in consultation with the
10 State's Attorney's offices, to report to the General Assembly on or before a
11 certain date; providing for a delayed effective date; and generally relating to a
12 Pornography Complaints Ombudsman.

13 BY adding to

14 Article - State Government
15 Section 6-301 through 6-304, inclusive, to be under the new subtitle "Subtitle 3.
16 Pornography Complaints Ombudsman"
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2001 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - State Government**

22 **SUBTITLE 3. PORNOGRAPHY COMPLAINTS OMBUDSMAN.**

23 6-301.

24 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (B) "OMBUDSMAN" MEANS THE PORNOGRAPHY COMPLAINTS OMBUDSMAN IN
27 THE OFFICE OF THE ATTORNEY GENERAL.

1 (C) "PORNOGRAPHY" MEANS MATERIAL OR A PERFORMANCE THAT:

2 (1) IS OBSCENE AS DEFINED IN § 11-203(A)(5) OF THE CRIMINAL LAW
3 ARTICLE; AND

4 (2) IS USED IN THE COMMISSION OF OR IS A PRODUCT OF A VIOLATION
5 OF TITLE 11 OF THE CRIMINAL LAW ARTICLE.

6 6-302.

7 (A) THERE IS A PORNOGRAPHY COMPLAINTS OMBUDSMAN IN THE OFFICE OF
8 THE ATTORNEY GENERAL.

9 (B) THE FUNCTION OF THE OMBUDSMAN IS TO ADVISE AND ASSIST LOCAL
10 GOVERNMENTS AND CITIZENS IN CURTAILING PORNOGRAPHY.

11 6-303.

12 (A) (1) THE ATTORNEY GENERAL SHALL EMPLOY AS OMBUDSMAN AN
13 ATTORNEY WHO HAS KNOWLEDGE OF PORNOGRAPHY LAW AND, PREFERABLY, A
14 BACKGROUND OR EXPERTISE IN INVESTIGATING AND PROSECUTING PORNOGRAPHY
15 LAW VIOLATIONS.

16 (2) THE OMBUDSMAN SHALL BE A PRACTICING ATTORNEY OF THE
17 STATE IN GOOD STANDING.

18 (3) THE OMBUDSMAN SHALL RECEIVE THE SALARY PROVIDED IN THE
19 STATE BUDGET.

20 (B) THE ATTORNEY GENERAL MAY EMPLOY A STAFF NECESSARY TO CARRY
21 OUT THIS SUBTITLE AS PROVIDED IN THE STATE BUDGET.

22 6-304.

23 THE OMBUDSMAN SHALL:

24 (1) DEVELOP AND MAINTAIN EXPERTISE IN AND UNDERSTANDING OF
25 LAWS DESIGNED TO CONTROL OR ELIMINATE PORNOGRAPHY AND THE LEGAL
26 STANDARDS GOVERNING THE REGULATION OR ELIMINATION OF PORNOGRAPHY;

27 (2) ADVISE CITIZENS AND LOCAL GOVERNMENTS ABOUT REMEDIES TO
28 ADDRESS INSTANCES OF PORNOGRAPHY IN THEIR COMMUNITIES;

29 (3) ADVISE LOCAL GOVERNMENTS ABOUT WAYS TO STRENGTHEN
30 LOCAL LAWS AND ORDINANCES ADDRESSING PORNOGRAPHY;

31 (4) ADVISE LOCAL GOVERNMENTS ABOUT STRATEGIES TO RESTRICT,
32 SUPPRESS, OR ELIMINATE PORNOGRAPHY IN THEIR COMMUNITIES;

33 (5) AT THE REQUEST OF THE ATTORNEY GENERAL OR A LOCAL
34 GOVERNMENT, ASSIST A LOCAL GOVERNMENT IN INVESTIGATING AND

1 PROSECUTING STATE AND LOCAL LAWS AND ORDINANCES ADDRESSING
2 PORNOGRAPHY;

3 (6) ADVISE CITIZENS ABOUT THEIR OPTIONS TO ADDRESS SPECIFIC
4 COMPLAINTS ABOUT PORNOGRAPHY IN THEIR COMMUNITIES;

5 (7) WHEN REQUESTED BY A CITIZEN OR LOCAL GOVERNMENT OFFICIAL,
6 ARBITRATE BETWEEN CITIZENS AND BUSINESSES TO RESOLVE COMPLAINTS ABOUT
7 PORNOGRAPHY;

8 (8) PROVIDE INFORMATION TO PRIVATE CITIZENS, CIVIC GROUPS,
9 GOVERNMENT ENTITIES, AND OTHER INTERESTED PARTIES ABOUT:

10 (I) THE DANGERS OF PORNOGRAPHY;

11 (II) THE CURRENT LAWS TO RESTRICT, SUPPRESS, OR ELIMINATE
12 PORNOGRAPHY; AND

13 (III) THEIR RIGHTS AND RESPONSIBILITIES UNDER THESE LAWS;
14 AND

15 (9) ESTABLISH A PROGRAM TO COMBAT INTERNET PORNOGRAPHY AND
16 TO ASSIST PARENTS IN PROTECTING CHILDREN FROM INTERNET PORNOGRAPHY.

17 SECTION 2. AND BE IT FURTHER ENACTED, That the Pornography
18 Complaints Ombudsman, in consultation with the State's Attorney's offices, shall
19 report to the General Assembly on or before December 31, 2003, in accordance with §
20 2-1246 of the State Government Article, on recommended changes to strengthen the
21 State's obscenity and pornography laws.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 2003.