

SENATE BILL 231

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2004 Regular Session
(4lr0456)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Jacobs, Harris, and Hooper**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 444

1 AN ACT concerning

2 **Harford County and Cecil County - Bookstores and Entertainment Venues -**
3 **Minors**

4 FOR the purpose of requiring a person who operates certain bookstores and
5 entertainment venues in Harford County and Cecil County to verify in a certain
6 manner the age of each individual entering the premises; prohibiting a person
7 who operates certain bookstores and entertainment venues from *knowingly*
8 allowing a minor to remain on the premises; and generally relating to bookstores
9 and entertainment venues in Harford County and Cecil County.

10 BY repealing and reenacting, without amendments,
11 Article - Criminal Law
12 Section 11-102 and 11-103
13 Annotated Code of Maryland
14 (2002 Volume and 2003 Supplement)

15 BY adding to

1 Article - Criminal Law
2 Section 11-104.1
3 Annotated Code of Maryland
4 (2002 Volume and 2003 Supplement)

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

7 **Article - Criminal Law**

8 11-102.

9 (a) A person may not knowingly sell or offer to sell to a minor:

10 (1) a picture, photograph, drawing, sculpture, motion picture, film, or
11 other visual representation or image of an individual or portion of the human body
12 that depicts sadomasochistic abuse, sexual conduct, or sexual excitement;

13 (2) a book, magazine, paperback, pamphlet, or other written or printed
14 matter however reproduced, that contains:

15 (i) any matter enumerated in item (1) of this section;

16 (ii) obscene material; or

17 (iii) explicit verbal descriptions or narrative accounts of
18 sadomasochistic abuse, sexual conduct, or sexual excitement; or

19 (3) a sound recording that contains:

20 (i) obscene material; or

21 (ii) explicit verbal descriptions or narrative accounts of
22 sadomasochistic abuse, sexual conduct, or sexual excitement.

23 (b) A person who violates this section is guilty of a misdemeanor and on
24 conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding
25 \$1,000 or both.

26 11-103.

27 (a) This section applies to a motion picture show or other presentation,
28 whether animated or live, that wholly or partly:

29 (1) depicts or reveals:

30 (i) sadomasochistic abuse;

31 (ii) sexual conduct; or

1 (iii) sexual excitement; or

2 (2) includes obscene material or explicit verbal descriptions or narrative
3 accounts of sexual conduct.

4 (b) For monetary consideration or other valuable commodity or service, a
5 person may not knowingly:

6 (1) exhibit to a minor without the presence of the minor's parent or
7 guardian a motion picture show or other presentation described in subsection (a) of
8 this section;

9 (2) sell to a minor an admission ticket or other means to gain entrance to
10 a motion picture show or other presentation described in subsection (a) of this section;
11 or

12 (3) admit a minor without the presence of the minor's parent or guardian
13 to premises where a motion picture show or other presentation described in
14 subsection (a) of this section is exhibited.

15 (c) A person who violates this section is guilty of a misdemeanor and on
16 conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding
17 \$1,000 or both.

18 11-104.1.

19 (A) IN HARFORD COUNTY AND CECIL COUNTY, A PERSON WHO OPERATES A
20 BOOKSTORE OR ENTERTAINMENT VENUE IN WHICH AN ITEM OR ACTIVITY
21 DESCRIBED IN § 11-102 OR § 11-103 OF THIS SUBTITLE IS SHOWN, DISPLAYED, OR
22 DEPICTED AND CONSTITUTES A MAJORITY OF THE ITEMS OR ACTIVITIES OFFERED
23 FOR SALE OR RENTAL BY THE BOOKSTORE OR ENTERTAINMENT VENUE:

24 (1) SHALL REQUIRE EACH INDIVIDUAL UPON ENTERING THE PREMISES
25 TO DISPLAY A DRIVER'S LICENSE OR AN IDENTIFICATION CARD THAT
26 SUBSTANTIATES THE INDIVIDUAL'S AGE; AND

27 (2) MAY NOT KNOWINGLY ALLOW A MINOR TO REMAIN ON THE
28 PREMISES.

29 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
30 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR
31 A FINE NOT EXCEEDING \$1,000 OR BOTH.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2004.

