E1 9lr3020 CF HB 97

By: Senator Lee

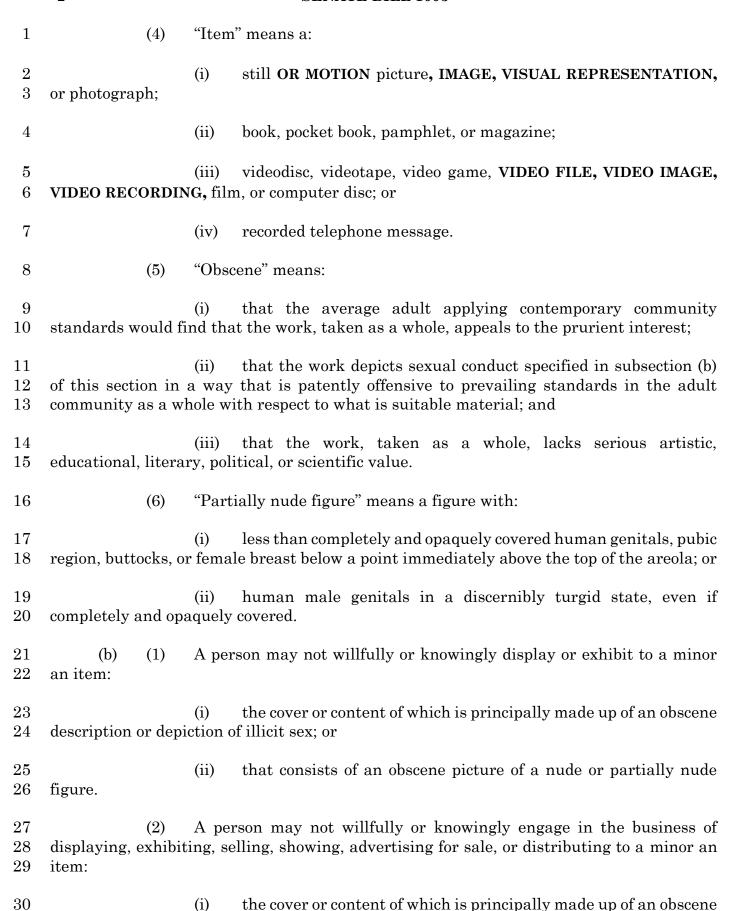
Introduced and read first time: February 22, 2019

Assigned to: Rules

## A BILL ENTITLED

1 AN ACT concerning 2 Criminal Law - Sale or Display of Obscene Item to Minor - Video Image 3 FOR the purpose of altering the definition of "item" as it relates to a certain prohibition against selling or displaying a certain obscene item to a minor; and generally relating 4 5 to sale or display of an obscene item to a minor. 6 BY repealing and reenacting, with amendments, 7 Article - Criminal Law 8 Section 11–203 9 Annotated Code of Maryland (2012 Replacement Volume and 2018 Supplement) 10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND. 11 12 That the Laws of Maryland read as follows: Article - Criminal Law 13 11 - 203.14 15 (a) (1) In this section the following words have the meanings indicated. "Distribute" includes to rent. 16 (2) "Illicit sex" means: 17 (3)18 (i) human genitals in a state of sexual stimulation or arousal; 19 (ii) acts of human masturbation, sexual intercourse, or sodomy; or 20 fondling or other erotic touching of human genitals. (iii)





description or depiction of illicit sex; or

31

- 1 (ii) that consists of an obscene picture of a nude or partially nude 2 figure.
- 3 (3) If a newsstand or other place of business is frequented by minors, the 4 owner, operator, franchisee, manager, or an employee with managerial responsibility may 5 not openly and knowingly display at the place of business an item whose sale, display, 6 exhibition, showing, or advertising is prohibited by paragraph (2) of this subsection.
- 7 (c) The provision of services or facilities by a telephone company under a tariff 8 approved by the Public Service Commission is not a violation of subsection (b) of this section 9 relating to recorded telephone messages.
- 10 (d) A person who violates this section is guilty of a misdemeanor and on conviction 11 is subject to:
- 12 (1) for a first violation, imprisonment not exceeding 1 year or a fine not 13 exceeding \$1,000 or both; and
- 14 (2) for each subsequent violation, imprisonment not exceeding 3 years or a 15 fine not exceeding \$5,000 or both.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.