
By: **Chairman, Judiciary Committee and Delegate Grosfeld**

Introduced and read first time: January 18, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Pornography and Adult Sexual Displays**

3 FOR the purpose of correcting certain matters identified during statutory revision;
4 clarifying that certain crimes involving the sale or display of certain adult
5 sexual displays and materials to minors or the display of adult sexual displays
6 on certain premises may be penalized by imprisonment, fine, or both; clarifying
7 that it is a crime for a person to hire or use a minor to do or help do certain
8 prohibited acts if the person knows or has facts that should allow the person
9 reasonably to know that the minor is not an adult; and generally relating to
10 pornography and adult sexual displays and materials.

11 BY repealing and reenacting, with amendments,
12 Article - Criminal Law
13 Section 11-102, 11-103, 11-104, 11-105, and 11-209(a)
14 Annotated Code of Maryland
15 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
16 2002)

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

19 **Article - Criminal Law**

20 11-102.

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

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

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

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

1 (ii) obscene material; or

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

4 (3) a sound recording that contains:

5 (i) obscene material; or

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

8 (b) A person who violates this section is guilty of a misdemeanor and on
9 conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding
10 \$1,000 OR BOTH.

11 11-103.

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

14 (1) depicts or reveals:

15 (i) sadomasochistic abuse;

16 (ii) sexual conduct; or

17 (iii) sexual excitement; or

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

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

22 (1) exhibit to a minor without the presence of the minor's parent or
23 guardian a motion picture show or other presentation described in subsection (a) of
24 this section.

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

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

31 (c) A person who violates this section is guilty of a misdemeanor and on
32 conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding
33 \$1,000 OR BOTH.

1 11-104.

2 (a) A person who operates or is employed in a sales, cashier, or managerial
3 capacity in a retail establishment may not knowingly allow a minor without the
4 presence of the minor's parent or guardian to enter or remain on any premises where
5 an item or activity detailed in § 11-102(a) of this subtitle is shown, displayed, or
6 depicted.

7 (b) A person who violates this section is guilty of a misdemeanor and on
8 conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding
9 \$1,000 OR BOTH.

10 11-105.

11 A person may not knowingly display for advertising purposes a picture,
12 photograph, drawing, sculpture, or other visual representation or image of an
13 individual or portion of a human body that:

14 (1) depicts sadomasochistic abuse;

15 (2) depicts sexual conduct;

16 (3) depicts sexual excitement; or

17 (4) contains a verbal description or narrative account of sadomasochistic
18 abuse, sexual conduct, or sexual excitement.

19 (b) A person may not knowingly allow a display described in subsection (a) of
20 this section on premises that the person owns, rents, or manages.

21 (c) A person who violates this section is guilty of a misdemeanor and on
22 conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding
23 \$1,000 OR BOTH.

24 11-209.

25 (a) A person may not hire, employ, or use an individual, if the person knows,
26 [and] OR possesses facts under which the person should reasonably know, that the
27 individual is a minor, to do or assist in doing an act described in § 11-203 of this
28 subtitle.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
30 effect October 1, 2002.