

HOUSE BILL 340
EMERGENCY BILL

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2002 Regular Session
(2r1720)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Allegheny County Delegation**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Indecency and Obscenity - Prohibition on Performances - Allegheny County**

3 FOR the purpose of including Allegheny County in the counties in which it is a
4 misdemeanor for a person to ~~give, direct, or perform a live obscene performance~~
5 ~~in the presence of individuals who have paid consideration to observe the~~
6 ~~performance, or for certain persons knowingly to permit the live obscene~~
7 ~~performance in certain premises~~ participate in a certain manner in certain
8 obscene live performances or for certain persons associated with certain
9 premises to allow or assent to the use of the premises for certain live obscene
10 performances under certain circumstances; making this Act an emergency
11 measure; and generally relating to the prohibition against obscene performances
12 in certain counties.

13 BY repealing and reenacting, with amendments,
14 Article 27 - Crimes and Punishments
15 Section 418B
16 Annotated Code of Maryland

1 (1996 Replacement Volume and 2001 Supplement)

2 BY repealing and reenacting, with amendments,
 3 Article - Criminal Law
 4 Section ~~11-204(a)~~ 11-204
 5 Annotated Code of Maryland
 6 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
 7 2002)

8 ~~BY repealing and reenacting, without amendments,~~
 9 ~~Article - Criminal Law~~
 10 ~~Section 11-204(b) and (c)~~
 11 ~~Annotated Code of Maryland~~
 12 ~~(As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of~~
 13 ~~2002)~~

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

16 Article 27 - Crimes and Punishments

17 418B.

18 (a) Any person who as actor, dancer, owner, manager, producer, director or
 19 agent or in any other capacity, prepares, gives, directs, presents, performs or
 20 participates in any obscene performance, exhibition, drama, play, show, dancing
 21 exhibition, tableau, or entertainment in which live persons perform or participate in an
 22 obscene manner in the presence of any other person or persons who have paid a
 23 consideration of any type whatsoever to observe the exhibition or performance shall be
 24 guilty of a misdemeanor and on conviction shall be fined or imprisoned according to
 25 the penalty set forth under § 424 of this article.

26 (b) Every owner, lessee, or manager of any theatre, garden, building, room,
 27 place or structure, who knowingly permits the same to be used for the purpose of any
 28 such exhibition as enumerated in paragraph (a) of this section, or who assents to its
 29 use for any such purpose shall be guilty of a misdemeanor and on conviction shall be
 30 fined or imprisoned according to the penalty set forth under § 424 of this article.

31 (c) This section applies only in ALLEGANY, Anne Arundel, Charles, Howard,
 32 Somerset, Wicomico, and Worcester Counties.

33 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 34 read as follows:

1

Article - Criminal Law

2 11-204.

3 (a) This section applies only in ALLEGANY, Anne Arundel, Charles, Howard,
4 Somerset, Wicomico, and Worcester counties.

5 (b) (1) A person may not prepare, give, direct, present, perform or
6 participate in an obscene performance, exhibition, drama, play, show, dancing
7 exhibition, tableau, or other entertainment in which individuals perform or
8 participate live in an obscene manner in the presence of individuals who have paid
9 any kind of consideration to observe the exhibition or performance.

10 (2) An owner, lessee, or manager of a building, garden, place, room,
11 structure, or theater may not knowingly allow or assent to the use of the premises for
12 the types of exhibitions prohibited by paragraph (1) of this subsection.

13 (c) A person who violates this section is guilty of a misdemeanor and on
14 conviction is subject to:

15 (1) for a first violation, imprisonment not exceeding 1 year or a fine not
16 exceeding \$1,000 or both; and

17 (2) for each subsequent violation, imprisonment not exceeding 3 years or
18 a fine not exceeding \$5,000 or both.

19 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
20 ~~October 1, 2002.~~

21 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
22 take effect on the taking effect of Chapter _____ (H.B. 11) of the Acts of the General
23 Assembly of 2002. If Section 2 of this Act takes effect, Section 1 of this Act shall be
24 abrogated and of no further force and effect.

25 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency
26 measure, is necessary for the immediate preservation of the public health or safety, has
27 been passed by a yea and nay vote supported by three-fifths of all the members elected
28 to each of the two Houses of the General Assembly and, except as provided in Section 3
29 of this Act, shall take effect from the date it is enacted.