

# HOUSE BILL 30

C2, E1

6lr0974

(PRE-FILED)

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By: **Delegate Wivell**

Requested: October 27, 2015

Introduced and read first time: January 13, 2016

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Display of Material Harmful to Minors – Restrictions**

3 FOR the purpose of prohibiting a person from offering for sale in a retail establishment  
4 open to the general public a book, magazine, or any other printed material, the cover  
5 or content of which is harmful to minors, if the material is on open display to, or  
6 within the convenient reach of, minors who may frequent the retail establishment,  
7 with a certain exception; providing penalties for a violation of this Act; providing for  
8 the issuance of citations for violations of this Act; defining a certain term; and  
9 generally relating to material harmful to minors.

10 BY adding to

11 Article – Criminal Law

12 Section 11–203.1

13 Annotated Code of Maryland

14 (2012 Replacement Volume and 2015 Supplement)

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

17 **Article – Criminal Law**

18 **11–203.1.**

19 (A) IN THIS SECTION, “HARMFUL TO MINORS” MEANS A DESCRIPTION, AN  
20 EXHIBITION, A PRESENTATION, OR A REPRESENTATION, IN WHATEVER FORM, OF  
21 NUDITY, SEXUAL CONDUCT, OR SEXUAL EXCITEMENT THAT:

22 (1) PREDOMINANTLY APPEALS TO THE PRURIENT, SHAMEFUL, OR  
23 MORBID INTEREST OF MINORS;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2)** IS PATENTLY OFFENSIVE TO PREVAILING STANDARDS IN THE  
2 ADULT COMMUNITY AS A WHOLE WITH RESPECT TO WHAT IS SUITABLE FOR MINORS;  
3 AND

4           **(3)** IS WITHOUT SERIOUS LITERARY, ARTISTIC, POLITICAL, OR  
5 SCIENTIFIC VALUE FOR MINORS.

6           **(B) (1)** EXCEPT AS PROVIDED IN PARAGRAPH **(2)** OF THIS SUBSECTION, A  
7 PERSON MAY NOT OFFER FOR SALE IN A RETAIL ESTABLISHMENT OPEN TO THE  
8 GENERAL PUBLIC A BOOK, MAGAZINE, OR ANY OTHER PRINTED MATERIAL, THE  
9 COVER OR CONTENT OF WHICH DEPICTS MATERIAL THAT IS HARMFUL TO MINORS,  
10 IF THE MATERIAL IS ON OPEN DISPLAY TO, OR WITHIN THE CONVENIENT REACH OF,  
11 MINORS WHO MAY FREQUENT THE RETAIL ESTABLISHMENT.

12           **(2)** MATERIAL DESCRIBED IN PARAGRAPH **(1)** OF THIS SUBSECTION  
13 MAY BE DISPLAYED, INDIVIDUALLY OR COLLECTIVELY, BEHIND AN OPAQUE  
14 COVERING THAT CONCEALS THE BOOK, MAGAZINE, OR OTHER PRINTED MATERIAL  
15 SO THAT NO MORE THAN THE TITLE, NAME, PRICE, AND DATE IS EXPOSED.

16           **(C) (1)** A PERSON WHO VIOLATES SUBSECTION **(B)** OF THIS SECTION  
17 COMMITS A CIVIL INFRACTION AND IS SUBJECT TO A CIVIL PENALTY OF:

18                   **(I)** \$100 FOR THE FIRST VIOLATION; AND

19                   **(II)** \$300 FOR A SECOND OR SUBSEQUENT VIOLATION.

20           **(2)** A CITATION FOR A SECOND VIOLATION MAY NOT BE ISSUED  
21 WITHIN 30 DAYS AFTER THE DATE OF THE FIRST CITATION.

22           **(3)** AFTER A CITATION IS ISSUED FOR A SECOND OR SUBSEQUENT  
23 VIOLATION, A CITATION MAY BE ISSUED EACH DAY THAT THE VIOLATION CONTINUES  
24 AFTER THE DATE OF THE SECOND OR SUBSEQUENT VIOLATION.

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2016.