

# SENATE BILL 355

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CF 4lr1427

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By: **Senator Salling**

Introduced and read first time: January 16, 2024

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Display of Obscene Material to Minors – Prohibition**

3 FOR the purpose of altering the definition of “item” relating to the prohibition against  
4 displaying or distributing obscene material to minors; prohibiting certain public  
5 schools from displaying certain obscene material under certain circumstances; and  
6 generally relating to the display of obscene material to minors.

7 BY repealing and reenacting, with amendments,  
8 Article – Criminal Law  
9 Section 11–203  
10 Annotated Code of Maryland  
11 (2021 Replacement Volume and 2023 Supplement)

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

14 **Article – Criminal Law**

15 11–203.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) “Distribute” includes to rent.

18 (3) “Illicit sex” means:

19 (i) human genitals in a state of sexual stimulation or arousal;

20 (ii) acts of human masturbation, sexual intercourse, or sodomy; or

21 (iii) fondling or other erotic touching of human genitals.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) "Item" means a:

2 (i) still picture, **DRAWING, ILLUSTRATION**, or photograph;

3 (ii) book, pocket book, pamphlet, or magazine;

4 (iii) videodisc, videotape, video game, film, or computer disc; or

5 (iv) recorded telephone message.

6 (5) "Obscene" means:

7 (i) that the average adult applying contemporary community  
8 standards would find that the work, taken as a whole, appeals to the prurient interest;

9 (ii) that the work depicts sexual conduct specified in subsection (b)  
10 of this section in a way that is patently offensive to prevailing standards in the adult  
11 community as a whole with respect to what is suitable material; and

12 (iii) that the work, taken as a whole, lacks serious artistic,  
13 educational, literary, political, or scientific value.

14 (6) "Partially nude figure" means a figure with:

15 (i) less than completely and opaquely covered human genitals, pubic  
16 region, buttocks, or female breast below a point immediately above the top of the areola; or

17 (ii) human male genitals in a discernibly turgid state, even if  
18 completely and opaquely covered.

19 (b) (1) A person may not willfully or knowingly display or exhibit to a minor  
20 an item:

21 (i) the cover or content of which is principally made up of an obscene  
22 description or depiction of illicit sex; or

23 (ii) that consists of an obscene picture of a nude or partially nude  
24 figure.

25 (2) A person may not willfully or knowingly engage in the business of  
26 displaying, exhibiting, selling, showing, advertising for sale, or distributing to a minor an  
27 item:

28 (i) the cover or content of which is principally made up of an obscene  
29 description or depiction of illicit sex; or

1 (ii) that consists of an obscene picture of a nude or partially nude  
2 figure.

3 (3) If a **PUBLIC SCHOOL OR** newsstand or other place of business is  
4 frequented by minors, the owner, operator, franchisee, manager, **SCHOOL PRINCIPAL**, or  
5 an employee with managerial responsibility may not openly and knowingly display at the  
6 [place of business] **PREMISES** an item whose sale, display, exhibition, **RENTAL**,  
7 **BORROWING**, showing, or advertising is prohibited by paragraph (2) of this subsection.

8 (c) The provision of services or facilities by a telephone company under a tariff  
9 approved by the Public Service Commission is not a violation of subsection (b) of this section  
10 relating to recorded telephone messages.

11 (d) A person who violates this section is guilty of a misdemeanor and on conviction  
12 is subject to:

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

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2024.