SENATE BILL 382

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4lr2541 CF 4lr1850

By: **Senator Salling** Introduced and read first time: January 17, 2024 Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 Criminal Law – Display of Obscene Materials to Minors – Age Verification

- FOR the purpose of requiring a website operator or other person who displays, exhibits,
 sells, shows, or advertises for sale obscene material to adhere to certain age
 verification standards; and 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)

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

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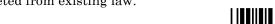
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Article – Criminal Law

- 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;
 - (ii) acts of human masturbation, sexual intercourse, or sodomy; or
 - (iii) fondling or other erotic touching of human genitals.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.





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1	(4)	"Item" means a:
2		(i) still picture 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 8	standards would f	(i) that the average adult applying contemporary community ind that the work, taken as a whole, appeals to the prurient interest;
9 10 11		(ii) that the work depicts sexual conduct specified in subsection (b) a way that is patently offensive to prevailing standards in the adult hole with respect to what is suitable material; and
12 13	educational, litera	(iii) that the work, taken as a whole, lacks serious artistic, ary, political, or scientific value.
14	(6)	"Partially nude figure" means a figure with:
$\begin{array}{c} 15\\ 16\end{array}$	region, buttocks, o	(i) less than completely and opaquely covered human genitals, pubic or female breast below a point immediately above the top of the areola; or
17 18	completely and op	(ii) human male genitals in a discernibly turgid state, even if aquely covered.
19 20	(b) (1) an item:	A person may not willfully or knowingly display or exhibit to a minor
$\begin{array}{c} 21 \\ 22 \end{array}$	description or dep	(i) the cover or content of which is principally made up of an obscene iction of illicit sex; or
$\begin{array}{c} 23\\ 24 \end{array}$	figure.	(ii) that consists of an obscene picture of a nude or partially nude
$25 \\ 26 \\ 27$	(2) displaying, exhibi item:	A person may not willfully or knowingly engage in the business of ting, selling, showing, advertising for sale, or distributing to a minor an
$\begin{array}{c} 28\\ 29 \end{array}$	description or dep	(i) the cover or content of which is principally made up of an obscene iction of illicit sex; or

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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) A WEBSITE OPERATOR OR OTHER PERSON WHO DISPLAYS, EXHIBITS,
8 SELLS, SHOWS, OR ADVERTISES FOR SALE AN ITEM DESCRIBED IN SUBSECTION
9 (B)(1) OR (2) OF THIS SECTION SHALL ADHERE TO THE LATEST VERSION OF:

10 (1) THE INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS 11 2089.1 AGE VERIFICATION STANDARD; OR

12 (2) THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION 13 PRELIMINARY WORK ITEM 7732 AGE VERIFICATION STANDARD.

14 **(D)** The provision of services or facilities by a telephone company under a tariff 15 approved by the Public Service Commission is not a violation of subsection (b) of this section 16 relating to recorded telephone messages.

17 [(d)] (E) A person who violates this section is guilty of a misdemeanor and on 18 conviction is subject to:

19 (1) for a first violation, imprisonment not exceeding 1 year or a fine not 20 exceeding \$1,000 or both; and

21 (2) for each subsequent violation, imprisonment not exceeding 3 years or a 22 fine not exceeding \$5,000 or both.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 24 October 1, 2024.