

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 416

Session of
1983

INTRODUCED BY SAURMAN, SIRIANNI, MRKONIC, CIMINI, CLYMER,
MILLER, COSLETT, PITTS, HERMAN, NOYE, GRUPPO, WOGAN, FLICK,
ARTY, COLAFELLA, OLASZ, PETERSON, HERSHEY, ARMSTRONG, VROON,
WASS, D. W. SNYDER AND CESSAR, MARCH 16, 1983

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 16, 1983

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, adding an offense; and providing a
3 penalty.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 5903.1. Distribution of indecent materials by cable
9 television system.

10 (a) Offense defined.--No person shall by means of a cable
11 television system knowingly distribute any indecent material by
12 wire or cable to subscribers of the system or knowingly provide
13 any indecent material for distribution.

14 (b) Presumption.--A person is presumed to have knowledge of
15 the character or nature of material if the person has actual
16 notice of the nature of the material, whether or not the person
17 has precise notice of its contents.

1 (c) Grading.--A person who violates subsection (a) commits a
2 misdemeanor of the first degree.

3 (d) Definitions.--As used in this section the following
4 words and phrases shall have the meanings given to them in this
5 subsection:

6 "Community standards." The standards of the community
7 encompassed within the territorial area covered by a cable
8 television franchise.

9 "Distribute." Send, transmit, retransmit or otherwise pass
10 through a cable television system.

11 "Indecent material." Material which is a representation or
12 verbal description of a human sexual or excretory organ or
13 function, nudity, ultimate sexual acts (normal or perverted or
14 actual or simulated) or masturbation and which under
15 contemporary community standards for cable television is
16 patently offensive.

17 "Knowingly." Having knowledge of the character or nature of
18 the material involved.

19 "Material." Any visual material shown on a cable television
20 system, whether or not accompanied by a soundtrack, or any sound
21 recording played on a cable television system.

22 "Person." An individual, partnership, association or
23 corporation. The term includes a franchisee.

24 "Provide." Supply for use.

25 Section 2. This act shall take effect in 60 days.