

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 875 Session of
1989

INTRODUCED BY KASUNIC, DeLUCA, MELIO, DALEY, PERZEL, VROON,
COHEN, JACKSON, WASS, COLAIZZO, F. TAYLOR, HALUSKA, PITTS,
D. W. SNYDER, ROBINSON, LETTERMAN, BISHOP, MICOZZIE, HERSHEY,
TIGUE, MARKOSEK, BARLEY, JAROLIN, FOX, KENNEY, McCALL,
TRELLO, CLYMER, BELARDI, LEVDANSKY, RYBAK, GRUPPO, BUNT,
ANGSTADT, STABACK, BELFANTI, E. Z. TAYLOR, JOHNSON, PHILLIPS,
PRESTON, VEON, ROBBINS, GEIST, CIVERA, SERAFINI, ADOLPH,
CORRIGAN, CORNELL, PISTELLA, FARGO, MAYERNIK, COLAFELLA,
OLASZ, LAUGHLIN AND RICHARDSON, APRIL 3, 1989

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 3, 1989

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting the unsolicited offering
3 of obscene materials through the mails.

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

6 Section 1. Section 5903(a) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5903. Obscene and other sexual materials.

9 (a) Offenses defined.--No person, knowing the obscene
10 character of the materials involved, shall:

11 (1) display or cause or permit the display of any
12 explicit sexual materials as defined in subsection (c) in or
13 on any window, showcase, newsstand, display rack, billboard,
14 display board, viewing screen, motion picture screen, marquee
15 or similar place in such manner that the display is visible

1 from any public street, highway, sidewalk, transportation
2 facility or other public thoroughfare, or in any business or
3 commercial establishment where minors, as a part of the
4 general public or otherwise, are or will probably be exposed
5 to view all or any part of such materials;

6 (2) sell, lend, distribute, exhibit, give away or show
7 any obscene materials to any person 17 years of age or older
8 or offer to sell, lend, distribute, exhibit or give away or
9 show, or have in his possession with intent to sell, lend,
10 distribute, exhibit or give away or show any obscene
11 materials to any person 17 years of age or older, or
12 knowingly advertise any obscene materials in any manner;

13 (3) design, copy, draw, photograph, print, utter,
14 publish or in any manner manufacture or prepare any obscene
15 materials;

16 (4) write, print, publish, utter or cause to be written,
17 printed, published or uttered any advertisement or notice of
18 any kind giving information, directly or indirectly, stating
19 or purporting to state where, how, from whom, or by what
20 means any obscene materials can be purchased, obtained or
21 had; [or]

22 (5) hire, employ, use or permit any minor child to do or
23 assist in doing any act or thing mentioned in this
24 subsection[.]; or

25 (6) mail any offering or advertisement for obscene
26 material that was not solicited or requested by the
27 addressee.

28 * * *

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