
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1900 Session of
1989

INTRODUCED BY MAYERNIK, NOYE, VROON, SCHULER, TIGUE, RAYMOND,
GRUPPO, FEE, BARLEY, DALEY, J. L. WRIGHT, TANGRETTI, MAINE,
WOZNIAK, CORRIGAN, PESCI, SAURMAN, HERMAN, PHILLIPS, STABACK,
JAMES, VEON, MORRIS, MICHLOVIC, TRELLO, J. TAYLOR, DeLUCA,
LEH, KASUNIC, MAIALE, HOWLETT, FOX, NAILOR, GIGLIOTTI,
D. F. CLARK, MELIO, SCHEETZ, PRESTON, WOGAN, CIVERA,
FAIRCHILD, GEIST, BIRMELIN, VAN HORNE, BILLOW, LINTON AND
JADLOWIEC, SEPTEMBER 26, 1989

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 26, 1989

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further defining "obscene materials"
3 to include certain video tapes, video cassettes and video
4 discs; requiring the display of an explanation of ratings on
5 video movies; and requiring the display of ratings on video
6 movies.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 5903(b) and (c) of Title 18 of the
10 Pennsylvania Consolidated Statutes are amended to read:

11 § 5903. Obscene and other sexual materials.

12 * * *

13 (b) Definitions.--As used in this section, the following
14 words and phrases shall have the meanings given to them in this
15 subsection:

16 "Community." For the purpose of applying the "contemporary
17 community standards" in this section, community means the State.

1 "Knowing." As used in subsection (a), knowing means having
2 general knowledge of, or reason to know or a belief or ground
3 for belief which warrants further inspection or inquiry of, the
4 character and content of any material described therein which is
5 reasonably susceptible of examination by the defendant.

6 "Obscene materials." Any literature, including any book,
7 magazine, pamphlet, newspaper, storypaper, comic book or
8 writing, and any figure, visual representation, or image
9 including any drawing, photograph, picture [or], motion picture,
10 video tape, video cassette or video disc, if:

11 (1) the average person applying contemporary community
12 standards would find that the subject matter taken as a whole
13 appeals to the prurient interest;

14 (2) the subject matter depicts or describes in a
15 patently offensive way, sexual conduct of a type described in
16 this section; and

17 (3) the subject matter, taken as a whole, lacks serious
18 literary, artistic, political, educational or scientific
19 value.

20 "Sexual conduct." Patently offensive representations or
21 descriptions of ultimate sexual acts, normal or perverted,
22 actual or simulated, and patently offensive representations or
23 descriptions of masturbation, excretory functions and lewd
24 exhibition of the genitals.

25 "Transportation facility." Any conveyance, premises or place
26 used for or in connection with public passenger transportation,
27 whether by air, rail, motor vehicle or any other method,
28 including aircraft, watercraft, railroad cars, buses, and air,
29 boat, railroad and bus terminals and stations.

30 (c) Dissemination to minors.--No person shall knowingly

1 disseminate by sale, loan or otherwise explicit sexual materials
2 to a minor. "Explicit sexual materials," as used in this
3 subsection, means materials which are obscene or:

4 (1) any picture, photograph, drawing, sculpture, motion
5 picture film, video tape, video cassette, video disc, or
6 similar visual representation or image of a person or portion
7 of the human body which depicts nudity, sexual conduct, or
8 sadomasochistic abuse and which is harmful to minors; or

9 (2) any book, pamphlet, magazine, printed matter however
10 reproduced, or sound recording which contains any matter
11 enumerated in paragraph (1), or explicit and detailed verbal
12 descriptions or narrative accounts of sexual excitement,
13 sexual conduct, or sadomasochistic abuse and which, taken as
14 a whole, is harmful to minors.

15 * * *

16 Section 2. Title 18 is amended by adding a section to read:
17 § 5905. Video movies.

18 (a) Explanation of official ratings.--A person who sells,
19 rents, loans or otherwise disseminates or distributes, for
20 monetary consideration, video movies shall prominently display
21 in his place of business the five official rating categories
22 which have been established by the Classification and Rating
23 Administration of the Motion Picture Association of America,
24 together with a brief explanation of each rating, substantially
25 in the following form:

26 G - Suitable for all ages.

27 PG - Parental guidance suggested; some material may not
28 be suitable for children.

29 PG-13 - Parents strongly cautioned; some material may be
30 inappropriate for children under 13 years of age.

1 R - Should not be viewed without parental guidance.

2 X - Subject matter that is not suitable for children
3 under 17 years of age.

4 (b) Display of official rating.--No person shall sell, rent,
5 loan or otherwise disseminate or distribute, for monetary
6 consideration, a video movie, unless the official rating of the
7 motion picture from which the video movie is copied, as stated
8 in subsection (a), is clearly and prominently displayed in
9 boldface type on the outside of the cassette, case, jacket or
10 other covering containing the video movie. The video movie shall
11 be clearly marked as "Not Rated" or "NR" if:

12 (1) the motion picture from which the video movie is
13 copied has no official rating;

14 (2) the official rating of the motion picture from which
15 the video movie is copied is not readily available to such
16 persons; or

17 (3) the video movie has been altered so that its content
18 materially differs from the motion picture.

19 (c) Penalty.--A person who violates subsection (a) or (b)
20 commits a summary offense and shall, upon conviction, be
21 sentenced to pay a fine of not more than \$500 for each
22 violation.

23 (d) Definition.--As used in this section, the term "video
24 movie" means a video tape, video cassette or video disc, and a
25 prerecorded video display or visual depiction, a prerecorded
26 device that can be converted to a visual depiction or any other
27 reproduction or reconstruction of a motion picture.

28 Section 3. This act shall take effect in 60 days.