

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2261 Session of  
1976

INTRODUCED BY DIETZ, TAYLOR, DOYLE, GILLETTE, MRKONIC, POLITE,  
ZELLER, PITTS, LEHR, GIAMMARCO, MILLIRON, PRATT, STAPLETON,  
CRAWFORD, SIRIANNI, W. W. WILT, McCLATCHY, FAWCETT, PYLES,  
SHELHAMER, KERNICK, A. K. HUTCHINSON, E. H. SMITH, SALOOM,  
YAHNER AND A. P. KELLY, MARCH 24, 1976

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 24, 1976

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, more specifically defining obscene.

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

5 Section 1. Subsection (b) of section 5903 of Title 18, act  
6 of November 25, 1970 (P.L.707, No.230), known as the  
7 Pennsylvania Consolidated Statutes, added December 6, 1972  
8 (P.L.1482, No.334), is amended to read:

9 § 5903. Obscenity.

10 \* \* \*

11 (b) Obscene defined.--"Obscene," as used in this section,  
12 means that which [to the average person applying contemporary  
13 community standards, has as its dominant theme, taken as a  
14 whole, an appeal to prurient interest]:

15 (1) the average person, applying contemporary community  
16 standards, would find, taken as a whole, appeals to the

1     prurient interest;

2             (2) depicts or describes, in a patently offensive way:

3                 (i) ultimate sexual acts, normal or perverted, actual  
4             or simulated, or

5                 (ii) masturbation excretory functions and lewd  
6             exhibition of the genitals; and

7             (3) taken as a whole, lacks serious literary, artistic,  
8     political or scientific value.

9     \* \* \*

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