

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2457 Session of  
1978

INTRODUCED BY MORRIS, MAY 22, 1978

REFERRED TO COMMITTEE ON JUDICIARY, MAY 22, 1978

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for the procedure  
3 for temporary injunctions against obscene and other sexual  
4 materials.

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

7 Section 2. Subsection (g) of section 5903, act of November  
8 25, 1970 (P.L.707, No.230), known as the Pennsylvania

9 Consolidated Statutes is amended to read:

10 § 5903. Obscene and other sexual materials.

11 \* \* \*

12 (g) Injunction.--The attorney for the Commonwealth may  
13 institute proceedings in equity in the court of common pleas of  
14 the county in which any person violates or clearly is about to  
15 violate this section for the purpose of enjoining such  
16 violation. The court [shall] may issue an injunction [only after  
17 written notice and hearing and only against the defendant to the  
18 action.] in accordance with the same procedures provided for the  
19 issuance of temporary injunctions in other actions. The court

1 shall hold a hearing within three days after demand by the  
2 attorney for the Commonwealth, one of which days must be a  
3 business day for the court, and a final decree shall be filed in  
4 the office of the prothonotary within 24 hours after the close  
5 of the hearing. A written memorandum supporting the decree shall  
6 be filed within five days of the filing of the decree. The  
7 attorney for the Commonwealth shall prove the elements of the  
8 violation beyond a reasonable doubt. The defendant shall have  
9 the right to trial by jury at the said hearing.

10 \* \* \*

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