

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1778

Session of
1997

INTRODUCED BY LAWLESS, NAILOR, BOSCOLA, ARMSTRONG, ZUG, TRELLO,
BROWNE, LEDERER, E. Z. TAYLOR, STABACK, ROHRER, SCHRODER,
OLASZ, SCRIMENTI, DeLUCA, BENNINGHOFF, DEMPSEY, M. COHEN,
KELLER, DALLY, KENNEY, ORIE, REBER, YOUNGBLOOD, PLATTS, TRUE,
MELIO, EGOLF, HERSHEY, HENNESSEY AND FLICK,
SEPTEMBER 23, 1997

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 7, 1997

AN ACT

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

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 and performances.

9 (a) Offenses defined.--No person, knowing the obscene
10 character of the materials or performances 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
16 from any public street, highway, sidewalk, transportation

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

5 (2) sell, lend, distribute, exhibit, give away or show
6 any obscene materials to any person 18 years of age or older
7 or offer to sell, lend, distribute, exhibit or give away or
8 show, or have in his possession with intent to sell, lend,
9 distribute, exhibit or give away or show any obscene
10 materials to any person 18 years of age or older, or
11 knowingly advertise any obscene materials in any manner;

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

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

21 (5) produce, present or direct any obscene performance
22 or participate in a portion thereof that is obscene or that
23 contributes to its obscenity; [or]

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

27 (7) KNOWINGLY take or deliver in any manner any obscene <—
28 material into a State correctional institution, county
29 prison, regional prison facility or any other type of
30 correctional facility;

1 (8) possess any obscene material while such person is an
2 inmate of any State correctional institution, county prison,
3 regional prison facility or any other type of correctional
4 facility; or

5 (9) knowingly permit any obscene material to enter any
6 State correctional institution, county prison, regional
7 prison facility or any other type of correctional facility if
8 such person is a prison guard or other employee of any
9 correctional facility described in this paragraph.

10 * * *

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