

HOUSE No. 237

By Messrs. Lally of Boston and Beades of Boston, petition of Bernard M. Lally and John J. Beades for creation in the Department of the Attorney General of an advisory board for the examination of certain printed matter to determine whether it is obscene or immoral. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Two.

AN ACT PROVIDING FOR AN ADVISORY BOARD AND THE LICENSING OF PERSONS ENGAGED IN THE BUSINESS OF SELLING OR DISTRIBUTING CERTAIN PRINTED MATTER.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. There shall be in the department of the
2 attorney general a board to consist of
3 persons who shall be appointed by the attorney gen-
4 eral and shall be known as the "Advisory Board".
5 It shall be the duty of the said board, upon a com-
6 plaint signed by ten or more parents, to examine any
7 book, pamphlet, magazine, comic book or other
8 printed matter, and if after examination they find any
9 printed matter or pictures therein that are lewd,
10 obscene, indecent, immoral or impure, and would, in
11 their opinion, tend to corrupt the morals of any adult
12 or child, they shall notify the distributor or retailer,

13 who shall, upon said notification, immediately desist
14 from selling and remove from sale such objectionable
15 literature.

16 Upon failure to remove from sale, or the sale, of any
17 such literature by said distributor or retailer, and
18 upon notice from the board, the department of public
19 safety shall revoke such distributor's or retailer's
20 license.

1 SECTION 2. Every person, including retailers and
2 distributors, engaged in the business of selling, lending
3 or distributing any books, pamphlets, magazines or
4 comic books shall obtain a license from the department
5 of public safety. The term of said license shall be
6 for a period of one year and the fee therefor shall be one
7 dollar.

8 A license shall be revoked or refused at any time by
9 the commissioner of public safety upon receipt of a
10 notice from the advisory board; provided, that due
11 notice to any applicant or licensee shall have been
12 given to appear before the advisory board to show
13 cause why the license should not be revoked or re-
14 pealed.

1 SECTION 3. Any applicant or holder of a license
2 who is aggrieved by the action of the advisory board
3 and commissioner of public safety in refusing to grant
4 or for revoking a license, may bring a petition in the
5 district court of the judicial district where the appli-
6 cant's or holder's principal place of business is located,
7 or in the municipal court of the city of Boston, ad-
8 dressed to the justice of the court, praying that the
9 action of the advisory board and the commissioner of
10 public safety in refusing to grant or revoke a license,

11 may be reviewed by the court, and after such notice to
12 the advisory board and commissioner of public safety
13 as the court deems necessary, it shall review such
14 action, hear any or all of the witnesses, and deter-
15 mine whether or not upon all the evidence such action
16 was justified. If the court finds that such action was
17 justified the decision shall be affirmed; otherwise it
18 shall be reversed and the court shall order the com-
19 missioner of public safety to grant or restore such
20 license; but, pending a decision on the appeal the
21 action of the advisory board and commissioner of
22 public safety shall have the same force and effect as
23 if the appeal had not been taken.

1 SECTION 4. Whoever, not being licensed under
2 section two, engages in the business described in said
3 section shall be punished by a fine of not more than
4 two hundred dollars or by imprisonment for not more
5 than six months, or both.

