

SENATE No. 541

The Commonwealth of Massachusetts

SENATE, March 22, 1960.

The committee on the Judiciary, to whom was referred the petition (accompanied by bill, Senate, No. 243) of William D. Fleming and another for legislation to further regulate the distribution and sale of publications depicting pornography, obscenity, crime and torture; and the petition (accompanied by bill, Senate, No. 252) of William X. Wall for legislation to provide that obscene things and books shall be prima facie evidence of intent to sell, exhibit, loan or circulate pornography, report the accompanying Bill (Senate, No. 541).

For the committee,

SEN. WILLIAM X. WALL.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty.

AN ACT FURTHER REGULATING THE DISTRIBUTION OF OBSCENE PUBLICATIONS.

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 28B of chapter 272 of the General Laws, as amended
2 by section 2 of chapter 492 of the acts of 1959, is hereby fur-
3 ther amended by inserting after the word "impure", in line 4,
4 the following words: — , or whoever, being a wholesale dis-
5 tributor, a jobber, or publisher sends or delivers to a retail
6 storekeeper a book, pamphlet, magazine or other form of
7 printed or written material, knowing it to be obscene, indecent
8 or impure, which said storekeeper had not previously ordered
9 in writing, specifying the title and quantity of such publica-
10 tion he desired, — so as to read as follows: —

11 *Section 28B.* Whoever imports, prints, publishes, sells,
12 loans or distributes, or buys, procures, receives, or has in his
13 possession for the purpose of sale, loan or distribution, a book,
14 knowing it to be obscene, indecent or impure, or whoever,
15 being a wholesale distributor, a jobber, or publisher sends or
16 delivers to a retail storekeeper a book, pamphlet, magazine or
17 other form of printed or written material, knowing it to be
18 obscene, indecent or impure, which said storekeeper had not
19 previously ordered in writing, specifying the title and quantity
20 of such publication he desired, shall be punished by imprison-
21 ment in the state prison for not more than five years or in
22 a jail or house of correction for not more than two and one
23 half years ,or by a fine of not less than one hundred dollars
24 nor more than five thousand dollars, or by both such fine and
25 imprisonment in jail or the house of correction.