

SENATE No. 890

The Commonwealth of Massachusetts

SENATE, June 6, 1966.

The committee on Bills in the Third Reading, to whom was referred the House Bill imposing a penalty on persons who sell, exhibit or otherwise distribute certain materials which are harmful to minors (House, No. 3660), reports recommending that the same be amended by substituting therefor a new draft entitled "An Act prohibiting the sale, exhibition or distribution of certain materials which are harmful to minors" (Senate, No. 890), and that, when so amended, the same will be correctly drawn.

For the committee,

JOHN E. HARRINGTON, JR.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Six.

AN ACT PROHIBITING THE SALE, EXHIBITION OR DISTRIBUTION OF CERTAIN MATERIALS WHICH ARE HARMFUL TO MINORS.

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. Chapter 272 of the General Laws is hereby
2 amended by striking out section 28 and inserting in place
3 thereof the following section: —

4 *Section 28.* Whoever sells or distributes, or imports, prints
5 or publishes for the purpose of selling or distributing, to a
6 person under the age of eighteen years a book, pamphlet, bal-
7 lad, printed paper, phonographic record or other thing which
8 is obscene, indecent or impure, harmful to minors, or mani-
9 festly tends to corrupt the morals of youth, or an obscene,
10 indecent or impure print, picture, figure, image or description,
11 which is harmful to minors or manifestly tends to corrupt
12 the morals of youth, or introduces into a family, school or
13 place of education, or buys, procures, receives or has in his
14 possession any such book, pamphlet, ballad, printed paper,
15 phonographic record, obscene, indecent or impure print, picture,
16 figure, image or other thing, either for the purpose of sale,
17 exhibition, loan or circulation to a person under the age of
18 eighteen years or with intent to introduce the same into a
19 family, school or place of education, shall be punished by im-
20 prisonment in the state prison for not more than five years
21 or in a jail or house of correction for not more than two and
22 one half years, or by a fine of not less than one hundred dollars
23 nor more than five thousand dollars, or by both such fine and
24 imprisonment in jail or the house of correction. In order to
25 obtain a conviction under this section, it shall not be necessary
26 to prove that the book, pamphlet, ballad, printed paper, phono-
27 graphic record, print, picture, image, description or other
28 thing which the accused is alleged to have dealt with in a

29 manner prohibited by this section has been adjudged to be
30 obscene, indecent or impure under the provisions of sections
31 twenty-eight C to twenty-eight H, inclusive.

32 As used herein the words "harmful to minors" mean that
33 quality of description or representation of nudity, sexual con-
34 duct or sexual excitement which appeals predominately to
35 the prurient, shameful or morbid interest of minors under
36 eighteen years of age, is patently contrary to prevailing
37 standards of adults in the community as to suitable material
38 for such minors, and is utterly without redeeming social im-
39 portance for such minors.

1 SECTION 2. If, as to any person, the provisions of section
2 twenty-eight of chapter two hundred and seventy-two of the
3 General Laws, as amended by section one of this act, is held
4 to be unconstitutional, the provisions of said section twenty-
5 eight, as in effect immediately prior to the effective date of
6 this act, shall continue in full force and effect as to such person.

The first part of the year was spent in the field, and the second part in the laboratory. The results of the field work are given in the following tables. The first table shows the number of specimens collected in each month, and the second table shows the number of specimens collected in each locality. The third table shows the number of specimens collected in each month, and the fourth table shows the number of specimens collected in each locality. The fifth table shows the number of specimens collected in each month, and the sixth table shows the number of specimens collected in each locality.

The results of the laboratory work are given in the following tables. The first table shows the number of specimens collected in each month, and the second table shows the number of specimens collected in each locality. The third table shows the number of specimens collected in each month, and the fourth table shows the number of specimens collected in each locality. The fifth table shows the number of specimens collected in each month, and the sixth table shows the number of specimens collected in each locality.

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