
By Mr. Carey of Boston, petition of William A. Carey for regulating further the possession, sale, publishing and lending of obscene books and other items. Legal Affairs.

The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING THE POSSESSION, SALE, PUBLISHING AND LENDING OF OBSCENE BOOKS AND OTHER ITEMS.

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

1 Chapter 272 of the General Laws is hereby amended by strik-
2 ing out section 28, as most recently amended by section 1 of
3 chapter 492 of the acts of 1959, and inserting in place thereof
4 the following section:—

5 *Section 28.* Whoever wilfully or knowingly sells or distributes,
6 or imports, prints or publishes, advertises for sale or distributes
7 commercially for the purpose of selling or distributing, to a per-
8 son under the age of eighteen years a book, pamphlet, ballad,
9 printed paper, phonographic record, or photograph which ex-
10 ploits, is devoted to, or is made up of descriptions of illicit sex
11 or sexual immorality, or which contains pictures of nude or
12 partially de-nuded figures, posed or presented in a manner to
13 provoke or arouse lust or passion or to exploit sex, lust or per-
14 version for commercial gain or any article or instrument of in-
15 decent or immoral use, or other thing which is obscene, indecent
16 or impure, or manifestly tends to corrupt the morals of youth,
17 or an obscene, indecent or impure print, picture, figure, image
18 or description, manifestly tending to corrupt the morals of youth,
19 or introduces into a family, school or place of education, or
20 buys, procures, receives or has in his possession any such book,
21 pamphlet, ballad, printed paper, phonographic record, obscene,
22 indecent or impure print, picture, figure, image or other thing,
23 either for the purpose of sale, exhibition, loan or circulation to
24 a person under the age of eighteen years or with intent to in-

25 troduce the same into a family, school or place of education,
26 shall be punished by imprisonment in the state prison for not
27 more than five years or in a jail or house of correction for not
28 more than two and one half years, or by a fine of not less than
29 one hundred dollars nor more than five thousand dollars, or by
30 both such fine and imprisonment in jail or the house of correc-
31 tion. In order to obtain a conviction under this section, it shall
32 not be necessary to prove that the book, pamphlet, ballad,
33 printed paper, phonographic record, print, picture, image, de-
34 scription or other thing which the accused is alleged to have dealt
35 with in a manner prohibited by this section has been adjudged
36 to be obscene, indecent or impure under the provisions of sec-
37 tions twenty-eight C to twenty-eight H, inclusive.