

By Mr. Farrell of Worcester, petition of Thomas F. Farrell for regulating further the possession, sale, publishing and lending of obscene books and other articles. Legal Affairs.

**The Commonwealth of Massachusetts**

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

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

*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 the  
4 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  
8 person 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 par-  
12 tially de-nuded figures, posed or presented in a manner to pro-  
13 voke or arouse lust or passion, or to exploit sex, lust or perversion  
14 for commercial gain or any article or instrument of indecent or  
15 immoral use, or other thing which is obscene, indecent or impure,  
16 or manifestly tends to corrupt the morals of youth, or an obscene,  
17 indecent or impure print, picture, figure, image or description,  
18 manifestly tending to corrupt the morals of youth, or introduces  
19 into a family, school or place of education, or buys, procures,  
20 receives or has in his possession any such book, pamphlet, ballad,

21 printed paper, phonographic record, obscene, indecent or impure  
22 print, picture, figure, image or other thing, either for the pur-  
23 pose of sale, exhibition, loan or circulation to a person under the  
24 age of eighteen years or with intent to introduce the same into a  
25 family, school or place of education, shall be punished by im-  
26 prisonment in the state prison for not more than five years or  
27 in a jail or house of correction for not more than two and one  
28 half years, or by a fine of not less than one hundred dollars nor  
29 more than five thousand dollars, or by both such fine and im-  
30 prisonment in jail or the house of correction. In order to obtain  
31 a conviction under this section, it shall not be necessary to prove  
32 that the book, pamphlet, ballad, printed paper, phonographic  
33 record, print, picture, image, description or other thing which the  
34 accused is alleged to have dealt with in a manner prohibited by  
35 this section has been adjudged to be obscene, indecent or impure  
36 under the provisions of sections twenty-eight C to twenty-eight  
37 H, inclusive.