

By Mr. Flynn of Boston, petition of Ambrose R. Page and Raymond L. Flynn relative to the penalty for distributing certain harmful materials to minors. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE REGULATION OF MATERIALS TAUGHT 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 Notwithstanding any general or special law to the contrary,
2 whoever disseminates to a minor any material harmful to minors,
3 or has in his or her possession any such matter with the intent to
4 disseminate the same to minors, shall be punished by imprison-
5 ment in the state prison for not more than five years or in jail or
6 house of correction.

7 (1) "Minor" means an unmarried person under eighteen years
8 of age.

9 (2) "Nudity" means uncovered, or less than opaquely covered,
10 postpubertal human genitals, pubic areas, the postpubertal
11 human female breast below a point immediately above the top of
12 the areola, or the covered human male genitals in a discernibly
13 turgid state. For the purposes of this definition a female breast is
14 considered if the nipple only or the nipple and the areola only are
15 covered.

16 (3) "Harmful Materials" means a play or motion picture dance
17 show or other presentation, whether pictured animated or live
18 performed before an audience, and which depicts in whole or part
19 or reveals nudity, sexual conduct, sexual excitement or sado
20 masochistic abuse, or explicit verbal descriptions or narrative
21 accounts of sexual conduct.

22 (4) "Sexual conduct" means human masterbation, sexual
23 intercourse, or any touching of the genitals, pubic areas or
24 buttocks of the human male or female, or the breasts of the
25 female, whether alone or between members of the same or
26 opposite sex, or between humans and animals in an act of
27 apparent sexual stimulation or gratification.

28 (5) "Sexual excitement" means the condition of human male or
29 female genitals or the breasts of the female when in a state of
30 sexual stimulation, or the sensual experience of humans engaging
31 in or witnessing sexual conduct or nudity.

32 (6) Furnishing matter harmful to minors or contravene
33 religious beliefs.

34 (7) Any book, magazine, paperback, pamphlet or other printed
35 matter, whoever reproduced, or any sound recording which
36 contains matter that violates religious beliefs.