

By Mr. Doyle of Boston, petition of Charles Robert Doyle and another for legislation to prohibit obscenity on cable television. Government Regulations.

The Commonwealth of Massachusetts

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

AN ACT PROHIBITING OBSCENITY ON CABLE TELEVISION.

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 166A of the General Laws is hereby amended by adding
2 after section 5 the following section: —

3 *Section 5A.* No person including a franchise shall by means
4 of a cable television system, knowingly distribute by wire or
5 cable to its subscribers any indecent material or knowingly
6 provide such material for distribution contrary to contem-
7 porary community standards. The following words as used in
8 this section shall, unless the context requires otherwise, have
9 the following meaning: —

10 "Person", shall include individuals, partnerships, associa-
11 tions and corporations.

12 "Distribute", shall mean send, transmit or retransmit or
13 otherwise pass through a cable television system.

14 "Indecent material," shall mean material which is a
15 representation or verbal description of:

- 16 1. a human sexual or excretory organ or function; or
- 17 2. nudity; or
- 18 3. ultimate sexual acts, normal or perverted, actual or
- 19 simulated; or
- 20 4. masturbation;

21 which under contemporary community standards for cable
22 television is patently offensive.

23 "Community Standards", shall mean the standards of the
24 community encompassed within the territorial area covered
25 by the franchise.

26 "Provide", means to supply for use.

27 "A person acts knowingly" if he has knowledge of the
28 character or nature of the material involved. A person is
29 presumed to have knowledge of the character or nature of the
30 material if he has actual notice of the nature of such material
31 whether or not he has precise notice of its contents.

32 Conviction for a violation of this section shall constitute a
33 misdemeanor and any person convicted of such violation shall
34 be confined to a jail or house of correction for not more than
35 ninety days or by a fine of not less than five hundred dollars
36 nor more than one thousand dollars, or both.