

House No. 4489

Message from His Excellency the Governor recommending legislation relative to obscene material.

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 725-4000



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

2/9/2010

To the Honorable Senate and House of Representatives:

I am filing for your consideration the attached legislative proposal, entitled "An Act Relative to Obscene Material."

This legislation addresses the recent decision of the Massachusetts Supreme Judicial Court in *Commonwealth v. Zubiell*, finding that existing state laws do not prohibit the transmittal to minors of obscene messages via modern technological means, such as email and text-messaging. The bill will update our state's criminal laws by closing this significant loophole, thereby making the dissemination of such materials through electronic means subject to the same sanctions as communications involving more traditional means, such as printed materials, photographs, recordings and visual representations.

In sum, this legislation will enable the Commonwealth to better protect our most vulnerable victims from obscene or otherwise harmful material.

I urge your prompt and favorable consideration of this legislation.

Sincerely,

DEVAL L. PATRICK,
Governor.

The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

An Act RELATIVE TO OBSCENE MATERIAL.

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

Section 31 of chapter 272 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 40-43, the definition of "matter", and inserting in place thereof the following words:-

"Matter", any written, printed or graphic material, visual representation, live performance or sound recording, including but not limited to, handwritten, typed or computer-generated writings or images, whether printed or electronically transmitted, books, magazines, motion picture films, pamphlets, phonographic records, pictures, photographs, figures, statues, plays, dances.