

PRESENCE OF INDIVIDUALS WHO HAVE PAID ANY KIND OF CONSIDERATION TO OBSERVE THE EXHIBITION OR PERFORMANCE.

(2) AN OWNER, LESSEE, OR MANAGER OF A BUILDING, GARDEN, PLACE, ROOM, STRUCTURE, OR THEATER MAY NOT KNOWINGLY ALLOW OR ASSENT TO THE USE OF THE PREMISES FOR THE TYPES OF EXHIBITIONS PROHIBITED BY PARAGRAPH (1) OF THIS SUBSECTION.

(C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FOR A FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(2) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 418B and 424.

In subsection (b)(1) of this section, the former reference to a person "who as actor, dancer ... or in any other capacity" performs specified acts is deleted in light of the absolute prohibition against the acts without regard to the title of the person.

In subsection (b)(2) of this section, the phrase, "allow or assent to the use of the premises for the types of exhibitions prohibited by paragraph (1) of this subsection", is substituted for the former reference to "permits the same ... for any such purpose" for clarity and brevity.

In subsection (c) of this section, the former phrase "unless otherwise provided" is deleted because there are no alternative penalties provided for a violation of this section.

As to the penalty provided in subsection (c) of this section, see General Revisor's Note to subtitle.

In subsection (c)(1) of this section, the qualification "for a first violation" is added for clarity.

Defined terms: "Knowingly" § 11-201
"Person" § 1-101

11-205. OBSCENE MATTER — ADVERTISING.

(A) PROHIBITED.

A PERSON MAY NOT KNOWINGLY:

(1) WRITE OR CREATE ADVERTISING OR OTHERWISE PROMOTE THE SALE OR DISTRIBUTION OF MATTER THE PERSON REPRESENTS OR HOLDS OUT TO BE OBSCENE; OR