

sold or kept for sale is unconstitutional inasmuch as the ordinance did not require knowledge of the character of the publication on the part of the defendant; and

WHEREAS, The Maryland law relating to the publication, possession, sale and exhibition of obscene materials is silent with respect to the necessity of knowledge on the part of the defendant charged under the law; and

WHEREAS, It is the desire of the General Assembly of Maryland to place upon its statute books effective obscenity legislation; now therefore

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 417 and 418 of Article 27 of the Annotated Code of Maryland (1957 Edition), title "Crimes and Punishments", sub-title "Obscene and Other Objectionable Publications", sub-heading "Obscene Publications" be and the same are hereby repealed and re-enacted, with amendments, to read as follows:

417.

Whenever any newspaper or other periodical publication, printed, issued or published in this State shall contain any obscene or licentious matter, whether the same be contained in any professional or other advertisements or in any other article, whether original, communicated or copied from any other publication, every proprietor and publisher shall be held to be guilty of a misdemeanor *who shall knowingly publish, print or issue such obscene or licentious matter*, and on conviction thereof shall be punished by a fine of not less than twenty nor more than two hundred dollars and imprisoned for not less than ten days nor more than one year, in the discretion of the court in which the conviction shall be had; and each successive number of any newspaper or periodical containing any such obscene or licentious matter shall be deemed a new publication thereof and shall subject every proprietor and publisher to indictment and punishment as for a distinct offense.

418.

If any person shall *knowingly* bring or cause to be brought into this State for sale or exhibition, or shall sell, lend, give away or offer to give away, or show or have in his or her possession with intent to sell or give away, or to exhibit, show, advertise or otherwise offer for loan, gift, sale or distribution any lewd, obscene or indecent book, magazine, pamphlet, newspaper, story paper, writing paper, picture, card, drawing or photograph, or any article or instrument of indecent or immoral use, or shall design, copy, draw, photograph, print, utter, publish or prepare such book, picture, card, drawing, paper or other article, or shall write or print or cause to be written or printed any circular, advertisement or notice of any kind, or giving information orally, stating when, where, how or of whom or by what means such a lewd, indecent or obscene article or thing can be purchased, seen or obtained, shall in every such case be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars or shall be imprisoned not exceeding one year, or be both fined and imprisoned in the discretion