

relating to obscene and other objectionable publications, providing for the effect of these presumptions, MAKING IT UNLAWFUL TO EXHIBIT SUCH PUBLICATIONS UPON PUBLIC STREETS AND HIGHWAYS WITHIN VIEW OF PERSONS BELOW THE AGE OF EIGHTEEN, PROHIBITING THE PERUSAL OF SUCH PUBLICATIONS BY SUCH PERSONS, and relating generally to obscene and other objectionable publications in this State.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 418 and 421 of Article 27 of the Annotated Code of Maryland (1957 Edition), title "Crimes and Punishments", sub-title "Obscene and Other Objectionable Publications", sub-headings "Obscene Publications" and "Prohibited Sales of Comic Books, etc.", be and they are hereby repealed and re-enacted, with amendments, and to read as follows:

418. Sale, exhibition, etc., of lewd, obscene or indecent books, pamphlets, drawings, etc.

(a) *Offense defined.* If any person shall 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 of the court; provided, that this section shall not apply to any person committing the acts thereby prohibited with intent to prevent violations of this subtitle or to procure the punishment of offenses against the same.

(b) *Presumption as to employment.* If any person shall be found violating the provisions of this sub-heading in or about any newsstand, book store, drugstore, market, or other mercantile establishment and shall be found to be an agent, officer, or employee of some other person who is actively engaged in the operation of such an establishment, these facts shall be presumptive evidence that the one found violating the provisions of this sub-heading was doing so within the scope of his employment and within the course of his employer's business and with the knowledge of his employer; but it shall be competent for the defendant in any such case to rebut this presumption. This section shall not apply to any person committing the acts thereby prohibited with intent to prevent violations of this sub-heading or to procure the punishment of offenses against the same.