

CHAPTER 382

(Senate Bill 282)

AN ACT to add new Section 418A to Article 27 of the Annotated Code of Maryland (1957 Edition and 1960 Supplement), title "Crimes and Punishments", sub-title "Obscene and Other Objectionable Publications", sub-heading "Obscene Publications", to follow immediately after Section 418 thereof, providing for the creation, institution and maintenance of injunction proceedings to restrict the sale or distribution, or acquisition with intent to sell or distribute, any obscene books, magazines, publications or articles; requiring prompt trials in such cases; providing that those who have been served a summons charging a violation of this act are chargeable with knowledge of the contents of obscene matter they subsequently sell or distribute; all of said section relating to the creation of said injunctive remedy.

SECTION 1. *Be it enacted by the General Assembly of Maryland, That new Section 418A be and it is hereby added to Article 27 of the Annotated Code of Maryland (1957 Edition and 1960 Supplement), title "Crimes and Punishments", sub-title "Obscene and Other Objectionable Publications", sub-heading "Obscene Publications", to follow immediately after Section 418 thereof, and to read as follows:*

418A.

The circuit courts of the counties and the equity courts of the Supreme Bench of Baltimore City have jurisdiction to enjoin the sale or distribution of any book, magazine, or any other publication or article which is prohibited from sale or distribution, as hereinafter specified.

1. The state's attorneys of the counties and Baltimore City in which a person, firm or corporation sells or distributes or is about to sell or distribute or has in his possession with intent to sell or distribute or is about to acquire possession with intent to sell or distribute any book, magazine, pamphlet, newspaper, story paper, writing paper, picture, card, drawing or photograph or any article or instrument of use which is obscene, within the meaning of Section 418 of this Article may maintain an action for an injunction against such person, firm or corporation in the circuit court of the counties or the equity courts of the Supreme Bench of Baltimore City to prevent the sale or further sale or the distribution or further distribution or the acquisition, publication or possession within this state of any book, magazine, pamphlet, newspaper, story paper, writing paper, picture, card, drawing or photograph, or any article or instrument of use which is obscene.

2. The person, firm, or corporation sought to be enjoined is entitled to a trial of the issues within one day after joinder of issue and a decision shall be rendered by the court within two days after the conclusion of the trial.

3. In the event that an order or judgment be entered in favor of the state's attorney and against the person, firm or corporation sought to be enjoined, such final order or judgment shall contain a provision directing the person, firm or corporation to surrender to such peace officer as the court may direct or to the sheriff of the