

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.

Approved May 7, 1973.

CHAPTER 220

(Senate Bill 339)

AN ACT to add new Section 418B to Article 27 of the Annotated Code of Maryland (1971 Replacement Volume), title "Crimes and Punishments," subtitle "Crimes and Punishments," subheading "Obscene Matter," to follow immediately after Section 418A thereof, to prohibit certain obscene performances in Anne Arundel County, to define what constitutes an obscene performance, and to prescribe certain penalties for the violation of this Act.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That new Section 418B be and it is hereby added to Article 27 of the Annotated Code of Maryland (1971 Replacement Volume), title "Crimes and Punishments," subtitle "Crimes and Punishments," subheading "Obscene Matter," to follow immediately after Section 418A thereof, and to read as follows:

418B.

(A) ANY PERSON WHO AS ACTOR, DANCER, OWNER, MANAGER, PRODUCER, DIRECTOR OR AGENT OR IN ANY OTHER CAPACITY, PREPARES, GIVES, DIRECTS, PRESENTS, PERFORMS OR PARTICIPATES IN ANY OBSCENE PERFORMANCE, EXHIBITION, DRAMA, PLAY, SHOW, DANCING EXHIBITION, TABLEAU, OR ENTERTAINMENT IN WHICH LIVE PERSONS PERFORM OR PARTICIPATE IN AN OBSCENE MANNER IN THE PRESENCE OF ANY OTHER PERSON OR PERSONS WHO HAVE PAID A CONSIDERATION OF ANY TYPE WHATSOEVER TO OBSERVE THE EXHIBITION OR PERFORMANCE; AND

(B) EVERY OWNER, LESSEE, OR MANAGER OF ANY THEATRE, GARDEN, BUILDING, ROOM, PLACE OR STRUCTURE, WHO RELEASES OR LETS THE SAME OR KNOWINGLY PERMITS THE SAME TO BE USED FOR THE PURPOSE OF ANY SUCH EXHIBITION AS ENUMERATED IN PARAGRAPH (A) HEREOF, OR WHO ASSENTS TO ITS USE FOR ANY SUCH PURPOSE SHALL BE GUILTY OF A MISDEMEANOR AND UPON CONVICTION THEREOF SHALL BE FINED OR IMPRISONED ACCORDING TO THE PENALTY SET FORTH IN SECTION 424 OF ARTICLE 27.

(C) FOR THE PURPOSE OF THIS SECTION, AN OBSCENE PERFORMANCE, EXHIBITION, DRAMA, PLAY, SHOW, DANCING EXHIBITION, TABLEAU OR ENTERTAINMENT SHALL BE DEFINED AS ONE IN WHICH THE DOMINANT THEME OF THE SAME, WHEN TAKEN AS A WHOLE, APPEALS TO THE PRURIENT INTEREST IN SEX OF THE AUDIENCE, AFFRONTS CONTEMPORARY COMMUNITY STANDARDS RELATING TO THE REPRESENTATION OF SEXUAL MATTERS AND IS UTTERED WITHOUT REDEEMING SOCIAL VALUE. IF ANY ONE OR MORE OF THE FOLLOWING INCIDENTS ARE PRESENT DURING THE PERFORMANCE, IT SHALL BE CONSIDERED