

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 27 - Crimes and Punishments

419.

(A) (1) [Every] A person[, who with knowledge that a person is a minor under 18 years of age, or who, while in possession of such facts that he should reasonably know that the person is a minor under 18 years of age, knowingly send or causes to be sent, exhibits, distributes, or offers to distribute any obscene matter to the minor under 18 years of age,] MAY NOT WILLFULLY OR KNOWINGLY ENGAGE IN THE BUSINESS OF SELLING, SHOWING, ADVERTISING FOR SALE, OR DISTRIBUTING TO ANY PERSON UNDER THE AGE OF 18 YEARS ANY STILL PICTURE, PHOTOGRAPH, BOOK, POCKET BOOK, PAMPHLET, OR MAGAZINE THE COVER OR CONTENT OF WHICH IS PRINCIPALLY MADE UP OF DESCRIPTIONS OR DEPICTIONS OF ILLICIT SEX, OR WHICH CONSISTS OF PICTURES OF NUDE OR PARTIALLY DENUDED FIGURES POSED OR PRESENTED IN A MANNER WHICH AN AVERAGE PERSON APPLYING CONTEMPORARY COMMUNITY STANDARDS WOULD FIND, TAKEN AS A WHOLE, APPEALS TO PRURIENT INTEREST AND LACKS SERIOUS LITERARY, ARTISTIC, POLITICAL OR SCIENTIFIC VALUE [is guilty of a misdemeanor].

(2) AN OWNER, OPERATOR, FRANCHISEE, MANAGER, OR ANY EMPLOYEE WITH MANAGERIAL RESPONSIBILITY OF A NEWSSTAND OR ANY OTHER PLACE OF BUSINESS MAY NOT KNOWINGLY OPENLY DISPLAY AT THE NEWSSTAND OR OTHER PLACE OF BUSINESS, IF IT IS FREQUENTED BY PERSONS UNDER THE AGE OF 18 YEARS, ANY OF THE ITEMS WHOSE SALE, SHOWING, OR ADVERTISING IS PROHIBITED BY PARAGRAPH (1) OF THIS SUBSECTION.

(3) VIOLATION OF THIS SECTION IS A MISDEMEANOR.

(B) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

(1) "DESCRIPTION OR DEPICTIONS OF ILLICIT SEX" SHALL MEAN:

(I) HUMAN GENITALS IN A STATE OF SEXUAL STIMULATION OR AROUSAL;

(II) ACTS OF HUMAN MASTURBATION, SEXUAL INTERCOURSE, OR SODOMY; OR

(III) FONDLING OR OTHER EROTIC TOUCHING OF HUMAN GENITALS, ~~PUBIC REGION, BUTTOCKS, OR FEMALE BREAST.~~

(2) "NUDE OR PARTIALLY DENUDED FIGURES" MEANS:

(I) LESS THAN COMPLETELY AND OPAQUELY COVERED HUMAN GENITALS, PUBIC REGION, BUTTOCKS, OR FEMALE BREAST BELOW A POINT IMMEDIATELY ABOVE THE TOP OF THE AREOLA; OR