

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 416B and 416G.

In subsection (a)(2)(ii) and (3)(i) of this section and throughout this subtitle, the references to "obscene material" are substituted for the former reference to "obscenities" for clarity. See Letter of Advice from Attorney General J. Joseph Curran, Jr. to Judge Alan M. Wilner, pp. 3-4 (May 21, 2001).

In subsection (a)(3) of this section, the former reference to "any matter enumerated in subsection (a) [picture, photograph, ...]" is deleted because sound recordings cannot contain "visual representations".

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that in this section and throughout this subtitle, the standard for determining whether material is "obscene" appears to follow that established by Supreme Court precedent. This applies equally to prohibitions on obscene material relating to minors, §§ 11-102 through 11-104 of this subtitle, derived from former Art. 27, §§ 416B, 416C, and 416E, and to the prohibition on obscene material in advertising, § 11-105, derived from former Art. 27, § 416D. See Letter of Advice from Attorney General J. Joseph Curran to Judge Alan M. Wilner, pp. 1-3 (May 21, 2001), citing *Smiley v. State*, 294 Md. 461 (1982). See also, *State v. Randall Book Corp.*, 53 Md. App. 30 (1982), cert. denied, 295 Md. 441, cert. denied, 464 U.S. 919 (1983); and cf. *Ginsberg v. New York*, 390 U.S. 629 (1968).

As to the penalty provided in subsection (b) of this section, see General Revisor's Note to subtitle.

Defined terms: "Minor" § 1-101

"Person" § 1-101

"Sadomasochistic abuse" § 11-101

"Sexual conduct" § 11-101

"Sexual excitement" § 11-101

11-103. SAME — EXHIBITION TO MINORS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO A MOTION PICTURE SHOW OR OTHER PRESENTATION, WHETHER ANIMATED OR LIVE, THAT WHOLLY OR PARTLY:

- (1) DEPICTS OR REVEALS:
 - (I) SADMASOCHISTIC ABUSE;
 - (II) SEXUAL CONDUCT; OR
 - (III) SEXUAL EXCITEMENT; OR