

(III) LIABLE FOR DAMAGES SUSTAINED BECAUSE OF THE INJUNCTION ORDER IF JUDGMENT IS RENDERED IN FAVOR OF THE DEFENDANT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 418, 418A, and 424.

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

In subsection (b) of this section, the former phrase, "unless otherwise provided", is deleted because there are no alternative penalties provided for a violation of this section.

In subsection (b)(1) of this section, the qualification "[f]or a first violation" is added for clarity.

In subsection (c)(1) of this section, the former reference to the circuit courts "of the counties" is deleted as implicit in the reference to the "circuit court".

Also in subsection (c)(1) of this section, the phrase, "under this section", is substituted for the former phrase, "as hereinafter specified", for clarity.

In subsection (c)(2) of this section, the former reference to "the counties in which a person ... sells ... any book ... which is obscene" is deleted because it describes the person to be enjoined, not the action which the State's Attorney seeks to enjoin.

In subsection (c)(4) and (7)(iii) of this section, the references to the "defendant" are substituted for the former references to the "person sought to be enjoined" for brevity and clarity.

In subsection (c)(6) of this section, the former phrase, "against the person ... sought to be enjoined", is deleted as implicit in the reference to an order or judgment in favor of the State's Attorney, which, by definition, must be against the person sought to be enjoined.

Also in subsection (c)(6) of this section, the word "materials" is substituted for the former reference to "matter" because "matter" is a defined term and its use here would be inconsistent with the definition.

In subsection (c)(7) of this section, the former phrase, "provided for by this section", is deleted since the scope of the paragraph is limited to an "action brought under this section".

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that the list of material that may be enjoined does not appear to include some of the newer materials that may contain obscene matter, such as videodiscs, computer software, and interactive CD-ROM or DVD discs.

The Criminal Law Article Review Committee also notes, for the attention of the General Assembly, that in subsection (c)(1) and (3) of this section, the defined term "matter" could not be used because the list of items contained