

(2) SOLICIT THE PUBLICATION OF ADVERTISING THAT PROMOTES THE SALE OR DISTRIBUTION OF MATTER THE PERSON REPRESENTS OR HOLDS OUT TO BE OBSCENE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FOR A FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(2) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 421 and 424.

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.

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

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

Defined terms: "Knowingly" § 11-201

"Matter" § 11-201

"Person" § 1-101

11-206. SAME — REQUIRING ACCEPTANCE.

(A) PROHIBITED.

(1) A PERSON MAY NOT KNOWINGLY REQUIRE A PURCHASER OR CONSIGNEE TO RECEIVE OBSCENE MATTER AS A CONDITION TO A SALE, ALLOCATION, CONSIGNMENT, OR DELIVERY FOR RESALE OF A PAPER, MAGAZINE, BOOK, PERIODICAL, PUBLICATION, OR OTHER MERCHANDISE.

(2) IN RESPONSE TO A PERSON'S RETURN OF OR FAILURE TO ACCEPT OBSCENE MATTER, A PERSON MAY NOT KNOWINGLY:

(I) DENY OR REVOKE A FRANCHISE;

(II) THREATEN TO DENY OR REVOKE A FRANCHISE; OR

(III) IMPOSE A FINANCIAL OR OTHER PENALTY.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO: