

OBSCENITIES

**Chapter 91
OBSCENITIES**

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91-1. General prohibitions.

Any person who, with knowledge of the character and content, either sells, gives away, lends, distributes, exhibits, shows or transmutes, or offers either to sell, give away, lend, distribute, exhibit, show or transmute, or has in his possession with intent either to sell, give away, lend, distribute, exhibit, show or transmute to another, or who otherwise knowingly offers for gift, sale or distribution any obscene picture film, show or other presentation, which may or may not require mechanical or other means to be transmuted into auditory, visual or sensory representation of such character, shall be guilty of a summary offense; and upon conviction thereof, shall be sentenced to pay a fine not exceeding three hundred (\$300.00) dollars or undergo imprisonment for a period not exceeding ninety (90) days, or both.

91-2. Exhibitions visible from public highways.

No person shall knowingly exhibit upon any private property or at or near any public street or highway or in any other place within the view of adults or minors passing on any public street or highway, any obscene motion picture film, show or other presentation which may or may not require mechanical or other means to be transmuted into auditory, visual or sensory representations of such character; and any person doing so shall be guilty of a summary offense; and upon conviction thereof, shall be sentenced to pay a fine not exceeding three hundred (\$300.00) dollars, or undergo imprisonment for a period not exceeding ninety (90) days, or both.

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1 **91-3. Exhibitions visible from public or private property.**
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3 No person may, with knowledge of the character or content,
4 exhibit, show or protect a motion picture film, show or other
5 presentation, which in whole or in part depicts nudity, sexual
6 conduct, or sadomasochistic abuse, so that it may be viewed by
7 minors or any other persons from public property or private
8 property not under the control of the person exhibiting, showing or
9 projecting such motion picture film, show or other presentation.
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11 **91-4. Aiding or abetting.**
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13 Whoever knowingly participates in, supports or in any way aids
14 in the exhibition, showing or projection of an obscene motion
15 picture film or other type motion picture film in violation of this
16 Act, whether the same shall be a ticket seller, usher, manager,
17 projectionist or other such employee, agent, servant or workman,
18 shall be guilty of a summary offense; and upon conviction thereof,
19 shall be sentenced to pay a fine not exceeding three hundred
20 (\$300.00) dollars or undergo imprisonment of a period not exceeding
21 ninety (90) days, or both.
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23 **91-5. Permitting use of premises for exhibition.**
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25 Whoever being the owner of any premises or having control
26 thereof, knowingly permits within or on said premises the
27 exhibition, projection or showing of any motion picture film, show
28 or presentation in violation of this Act, shall be guilty of a
29 summary offense; and upon conviction thereof, shall be sentenced to
30 pay a fine not exceeding three hundred (\$300.00) dollars or undergo
31 imprisonment for a period not exceeding ninety (90) days, or both.
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33 **91-6. Advertisements of presentations.**
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35 Whoever knowingly advertises or accepts for advertisement any
36 motion picture film, show or other presentation, the exhibition,
37 showing or projection of which would be in violation of this
38 Chapter, shall be guilty of a summary offense; and upon conviction
39 thereof, shall be sentenced to pay a fine not exceeding three
40 hundred (\$300.00) dollars or undergo imprisonment for a period not
41 exceeding ninety (90) days, or both.
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43 **91-7. Elements required for offense.**
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45 For the purposes of this Chapter, all three of the following
46 elements are required to establish obscenity:
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- 48 A. The average person applying contemporary community
49 standards must find that the work taken as a whole appeals
50 to the prurient interest.

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- 1 B. That the film must depict or describe patently offensive
2 representations or descriptions of sexual conduct such as
3 ultimate sexual acts, normal or perverted, actual or
4 simulated, real or animated, and/or patently offensive
5 representations or descriptions of masturbation, excretory
6 functions, and/or lewd exhibition of the genitals;
7 descriptions or representations of acts of fellatio,
8 cunnilingus, whether the same involves persons real or
9 animated, animals or combinations of individuals real,
10 animated and/or animals.
- 11
- 12 C. That the work taken as a whole lacks serious literary,
13 artistic, political or scientific value.

14 **91-8. Definitions.**

15 As used in Section 91-3 of this Chapter:

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17 **NUDITY** - The showing of the human male or female genitals,
18 pubic area or buttocks with less than a fully opaque covering,
19 or the showing of a female breast with less than a fully opaque
20 covering of any portion thereof below the top of the nipple or
21 the depiction of covered male genitals in a discernibly turgid
22 state.

23

24 **SEXUAL CONDUCT** - In addition to the examples hereinbefore set
25 forth, acts of masturbation, homosexuality, sexual intercourse,
26 or physical contact with a person's clothed or unclothed
27 genitals, pubic area, buttocks, or, if such person be a female,
28 breasts.

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30 **SADOMASOCHISTIC ABUSE** - Flagellation or torture by or upon a
31 person clad in undergarments, a mask, or bizarre costume or the
32 condition of being fettered, bound or otherwise physically
33 restrained on the part of the one so clothed.