

BY SENATORS BRONSON AND MC NEALY

1 IN THE SENATE

2 SENATE BILL NO. 137

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the distribution for  
7 resale of writings, printings, and objects  
8 of an immoral nature; declaring any viola-  
9 tion thereof a misdemeanor and providing  
10 penalties for certain acts; and providing  
11 for an effective date."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 Section 1. PROHIBITED ACTS. A person, co-partnership, firm  
14 or corporation who in any manner distributes for resale, any ob-  
15 scene, lewd, lascivious, filthy, indecent, sadistic, masochistic  
16 or disgusting book, magazine, pamphlet, newspaper, story paper,  
17 writing paper, phonograph record, picture, drawing, photograph,  
18 motion picture film, carving, figure, image, or wire or tape re-  
19 cording or any written, printed or recorded matter of an indecent  
20 character which may or may not require mechanical or other means  
21 to be transmuted into auditory, visual or sensory representations  
22 of such character; or any article or instrument of indecent or  
23 immoral use, or purporting to be for indecent or immoral use or  
24 purpose is guilty of a misdemeanor.

25 Sec. 2. DISTRIBUTION: TIE IN SALES. Any person, co-partner-  
26 ship, firm or corporation who shall, as a condition to a sale or  
27 delivery for resale of any paper, magazine, book, periodical or  
28 publication, require that the purchaser or consignee receive for  
29 resale, any article, the publication, sale or distribution of

SB #137

1 which is prohibited by this Act is guilty of a misdemeanor.

2       Sec. 3. USE OF MINORS. Any person, co-partnership, firm or  
3 corporation described in Section 1 and 2 of this Act who in any  
4 manner hires, employs, uses or permits any minor or child to do  
5 or assist in doing any act or thing mentioned in this Act is  
6 guilty of misdemeanor.

7       Sec. 4. PRESUMPTION FROM POSSESSION. The possession by any  
8 person of five or more identical or similar articles coming with-  
9 in the provisions of this Act is prima facie evidence of a viola-  
10 tion of this Act.

11       Sec. 5. PENALTIES. Any person, or co-partnership, firm or  
12 corporation or any officer thereof who does any of the acts or  
13 things prohibited by this Act shall, upon conviction, be sentenced  
14 to not less than ten days nor more than one year imprisonment and  
15 be fined not less than one hundred fifty dollars nor more than one  
16 thousand dollars for the first offense; and shall be sentenced to  
17 not less than thirty days nor more than one year and be fined not  
18 less than two hundred fifty dollars nor more than twenty-five  
19 hundred dollars for the second offense; and shall be sentenced to  
20 not less than six months nor more than three years and a fine of  
21 not less than five hundred dollars nor more than five thousand  
22 dollars for the third and each succeeding offense.

23       Sec. 6. EFFECTIVE DATE. This Act shall take effect immed-  
24 ately upon its passage and approval or upon its becoming law  
25 without such approval.

26  
27  
28  
29 SB #137