

1 IN THE SENATE BY SENATORS BRONSON AND MCNEALY  
2 SUBSTITUTE FOR 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 sale of obscene  
7 literature; declaring any violation there-  
8 of a misdemeanor; providing penalties;  
9 and providing for an effective date."

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

11 Section 1. PROHIBITED ACTS. A person, co-partnership, firm  
12 or corporation who knowingly sells, or offers for sale, any obscene,  
13 lewd, lascivious, filthy, indecent or sadistic book, magazine,  
14 pamphlet, picture, film, newspaper or other written or printed  
15 literature, is guilty of a misdemeanor.

16 Sec. 2. DISTRIBUTION: TIE IN SALES. Any person, co-partner-  
17 ship, firm or corporation who shall knowingly, as a condition to  
18 a sale or delivery for resale of any paper, magazine, book, per-  
19 iodical or publication, require that the retail purchaser or  
20 consignee receive for resale, any article, the publication, sale  
21 or distribution of which is prohibited by this Act is guilty of  
22 a misdemeanor.

23 Sec. 3. USE OF MINORS. Any person, co-partnership, firm or  
24 corporation described in Section 1 and 2 of this Act who in any  
25 manner hires, employs, uses or permits any minor or child to do  
26 or assist in doing any act or thing made unlawful by this Act  
27 is guilty of a misdemeanor.

28 Sec. 4. EVIDENCE. a. A person, co-partnership, firm or corp-  
29 oration shall not be convicted of an offense against this Act if  
S for SB #137

1 it is proved that the sale, or offer for sale, of the article  
2 in question is justified as being for the public good on the  
3 ground that it is in the interests of science, literature, art or  
4 learning, or of other objects of general concern.

5 b. It is hereby declared that the opinion of experts as to  
6 the literary, artistic, scientific or other merits of an article  
7 may be admitted in any proceedings under this Act either to  
8 establish or negative the said ground.

9 Sec. 5. PRESUMPTION FROM POSSESSION. The possession by any  
10 retailer or distributor of five or more identical or similar  
11 articles coming within the provisions of this Act is evidence of  
12 a violation hereof where circumstances are such that knowledge of  
13 the content of the article may be presumed.

14 Sec. 6. PENALTIES. Any person, or co-partnership, firm or  
15 corporation or any officer or employee thereof who does any of  
16 the acts or things prohibited by this Act shall, upon conviction,  
17 be sentenced to not less than ten days nor more than sixty days  
18 imprisonment or be fined not less than one hundred dollars nor  
19 more than three hundred dollars for the first offense; and shall  
20 be sentenced to not less than thirty days nor more than six months  
21 or be fined not less than three hundred dollars nor more than  
22 five hundred dollars for the second offense; and shall be sentenced  
23 to not less than six months nor more than one year or a fine of  
24 not less than five hundred dollars nor more than one thousand  
25 dollars for the third and each succeeding offense, or both such  
26 imprisonment and fine.

27 Sec. 7. This Act shall take effect July 1, 1960.  
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