

Introduced: 2/28/67
Referred: Health, Welfare
and Education and Judiciary

1 IN THE HOUSE

BY HARRIS

2 HOUSE BILL NO. 248

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to review of motion pictures for
7 viewing by young people."

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

9 * Section 1. AS 05 is amended by adding a new chapter to read:

10 CHAPTER 30. MOTION PICTURE CLASSIFICATION BOARDS.

11 Sec. 05.30.010. CREATION OF BOARD. The director of the youth and
12 adult authority shall appoint with the approval of the governor a board
13 of at least three members in each community in the state which publicly
14 exhibits motion pictures. The boards shall be known as Motion Picture
15 Classification Boards.

16 Sec. 05.30.020. REGULATIONS. The director of the youth and adult
17 authority shall promulgate rules and regulations for the boards as he
18 considers necessary governing the conduct of, proceedings, delibera-
19 tions and time and place of meeting. The rules and regulations shall
20 be subject to the approval of the legislature.

21 Sec. 05.30.030. MEMBERS OF BOARD. Board members shall be resi-
22 dents of the state, and shall be chosen as far as practicable to
23 represent a cross-section of the community. As far as practicable,
24 the members appointed shall be persons educated and experienced in one
25 or more of the following fields: art, drama, literature, sociology,
26 psychology, history, education, music, science or other related fields.
27 Members shall serve without pay or other allowances. Members shall
28 serve at the pleasure of the director of the youth and adult authority.

29 Sec. 05.30.040. CLASSIFICATION PROCEDURE. (a) Before an initial

1 motion picture exhibition, the exhibitor shall file with the board in
2 his community a proposed classification of the film to be exhibited,
3 stating the title of the film and giving a summary of the plot and
4 other information which the regulations of the board may require. The
5 board shall examine the proposed classification, and if it approves
6 the classification proposed, shall mark it "approved" and file it as
7 its own classification order. If the board fails either to file a
8 classification order or hold a hearing within five days after the
9 proposed classification is filed, the proposed classification shall
10 be considered approved.

11 (b) If upon examination of the proposed classification a majority
12 of the board is not satisfied that it is proper, the board shall direct
13 the exhibitor to project the film before a majority of the board mem-
14 bers at the earliest time practicable. The exhibitor, or his designee,
15 may at this time make a statement to the board in support of his pro-
16 posed classification and present testimony as he may desire. Within
17 two days, the board shall make and file its classification of the film
18 in question.

19 (c) An initial or subsequent exhibitor may file an application
20 for a change in the classification of a film previously classified.
21 An exhibitor may not file more than one application for change of
22 classification of the same film. The application shall contain a
23 sworn statement of the grounds upon which the application is based.
24 Upon the filing of the application, the board shall set a time and
25 place for a hearing and shall notify the applicants and interested
26 parties, including exhibitors who may be exhibiting or are known to
27 the board to be preparing to exhibit the film. The board shall view
28 the film and at the hearing hear the statements of all interested
29 parties, and any proper testimony that may be offered, and shall within

1 two days thereafter make and file its order approving or changing the
2 classification.

3 (d) Upon filing by the board of a classification order, the board
4 shall immediately issue and mail a notice of classification to the
5 exhibitor involved and to the director of the youth and adult authority,
6 who shall mail a notice of classification to any other exhibitor request-
7 ing a notice.

8 (e) A classification shall be binding on a subsequent exhibitor
9 in the same community unless and until he obtains a change of classifi-
10 cation in the manner provided in (e) of this section.

11 Sec. 05.30.050. PROHIBITIONS. (a) It is unlawful for an exhibitor
12 or his employee

13 (1) to exhibit a film which has not been classified as pro-
14 vided in this chapter;

15 (2) to exhibit a film classified "not suitable for young
16 persons" if a current advertisement of the film by the exhibitor fails
17 to state clearly the classification of the film;

18 (3) to exhibit a film classified "not suitable for young
19 persons" without having the classification posted prominently at the
20 entrance to the theater in which the film is being exhibited;

21 (4) knowingly to sell or give to a young person a ticket to
22 a film classified "not suitable for young persons";

23 (5) knowingly to permit a young person to view the exhibition
24 of any film classified "not suitable for young persons";

25 (6) to exhibit a film classified "not suitable for young
26 persons" or a scene or scenes from such a film or from an unclassified
27 film, whether moving or still, in the same theater and on the same
28 program with a film classified "suitable for young persons"; provided
29 that an advertising preview or trailer containing a scene or scenes

1 from an unclassified film or a film classified "not suitable for young
2 persons" may be shown at any time if it has been separately classified
3 as "suitable for young persons" under the provisions of sec. 40 of
4 this chapter;

5 (7) to make any false or wilfully misleading statement in
6 a proposed classification, application for change of classification,
7 or other proceeding before the board.

8 (b) It is unlawful for a young person

9 (1) to give his age falsely as 16 years of age or over, for
10 the purpose of gaining admittance to an exhibition of a film classified
11 "not suitable for young persons";

12 (2) to enter or remain in the viewing room of a theater where
13 a film classified "not suitable for young persons" is being exhibited;

14 (3) to state falsely that he or she is married for the pur-
15 pose of gaining admittance to an exhibition of a film classified as
16 "not suitable for young persons".

17 (c) It is unlawful for a person

18 (1) to sell or give to a young person a ticket to an exhibi-
19 tion of a film classified "not suitable for young persons";

20 (2) to make a false or wilfully misleading statement in an
21 application for change of classification or in a proceeding before the
22 board;

23 (3) to make a false statement for the purpose of enabling a
24 young person to gain admittance to the exhibition of a film classified
25 "not suitable for young persons".

26 (d) To the extent that a prosecution or other proceeding under
27 this ordinance, involves the entering, purchasing of a ticket, or
28 viewing by a young person of a film classified "not suitable for young
29 persons", it shall be a valid defense that the young person was

1 accompanied by his parent or legally appointed guardian, husband or
2 wife, throughout the viewing of the film.

3 Sec. 05.30.060. PERMIT REQUIRED. The director of the youth and
4 adult authority shall issue to every motion picture exhibitor a permit
5 to operate. Exhibition of motion pictures without this permit is unlaw-
6 ful and punishable by a fine not to exceed \$1,000 for each day of
7 operation without a permit.

8 Sec. 05.30.070. SUSPENSION OF PERMIT. When the attorney general
9 or a person acting under his direction or any 10 residents of the state
10 file a sworn complaint with a board stating that an exhibitor has
11 repeatedly violated this chapter, or that an exhibitor has persistently
12 failed to use reasonable diligence to determine whether those seeking
13 admittance to the exhibition of a film classified "not suitable for
14 young persons" are below the age of 16, the board shall set a time and
15 place for hearing the complaint and cause notice of the hearing to be
16 given to the complainants and to the exhibitor involved. The board
17 has authority to issue subpoenas requiring witnesses to appear and
18 testify at the hearing, and any party to the hearing shall be entitled
19 to that process. If after hearing the evidence, the board finds the
20 charges in the complaint are true, it shall issue and file an order
21 suspending the permit described in sec. 60 of this chapter for a
22 specific period not to exceed one year, or may issue a reprimand if
23 it is satisfied that the violation will not continue.

24 Sec. 05.30.080. JUDICIAL REVIEW. Exhibitors are entitled to
25 judicial review of final board decisions under this chapter.

26 Sec. 05.30.090. A person who violates this chapter is guilty of
27 a misdemeanor and upon conviction is punishable by a fine not to exceed
28 \$200. Each offense shall be considered a separate violation and is
29 punishable as a separate offense, and each day a film is exhibited

1 which has not been classified according to this chapter is a separate
2 offense.

3 **Sec. 05.30.100. DEFINITIONS.** In secs. 10 - 90 of this chapter

4 (1) "advertisement" means commercial promotional material
5 initiated by an exhibitor designed to bring a film to public attention
6 or to increase the sale of tickets to exhibitions of the film, whether
7 by newspaper, billboard, motion picture, television, radio, or other
8 media in or originating in the state;

9 (2) "board" means a motion picture classification board
10 established by sec. 10 of this chapter;

11 (3) "classification order" means a written determination by
12 a majority of a board classifying a film, or granting or refusing an
13 application for change of classification;

14 (4) "classify" means to determine whether a film is suitable
15 for young persons or not suitable for young persons;

16 (5) "exhibit" means to project a film at a motion picture
17 theater or other public place within the state to which tickets are
18 sold for admission;

19 (6) "exhibitor" means a person or corporation which exhibits
20 a film;

21 (7) "file" means to deliver to the board for safekeeping as
22 a public record of the state;

23 (8) "film" means a motion picture film, whether full length
24 or short subject, but does not include newsreels portraying actual
25 current events or pictorial news of the day;

26 (9) "initial exhibition" means the first exhibition of a
27 film in the state;

28 (10) "subsequent exhibition" means an exhibition subsequent
29 to the initial exhibition, whether by the same or a different exhibitor;

1 (11) "not suitable for young persons" means describing or
2 portraying nudity beyond the customary limits of candor in the com-
3 munity, or sexual promiscuity or extra-marital or abnormal sexual
4 relations in such a manner as to be, in the judgment of the board,
5 likely to incite or encourage delinquency or sexual promiscuity on
6 the part of young persons or to appeal to their prurient interest;

7 (12) "likely to incite or encourage crime delinquency or
8 sexual promiscuity on the part of young persons, if, in the judgment
9 of the board, there is a substantial probability that it will create
10 the impression on young persons that such conduct is profitable,
11 desirable, acceptable, respectable, praiseworthy or commonly accepted.
12 A film shall be considered as appealing to "prurient interest" of
13 young persons, if in the judgment of the board, its calculated or
14 dominant effect on young persons is substantially to arouse sexual
15 desire. In determining whether a film is "not suitable for young
16 persons", the board shall consider the film as a whole, rather than
17 isolated portions, and shall determine whether its harmful effects
18 outweigh artistic or educational values such film may have for young
19 persons.

20 (13) "young person" means a person who has not attained
21 16 years of age.
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