

1 IN THE SENATE

BY LEWIS

2 *CS* SENATE BILL NO. 421

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to publications prohibited as to  
7 persons under the age of 18 years."

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

9 \* Section 1. AS 11.40 is amended by adding a new section to read:

10 Sec. 11.40.158. PROHIBITION OF OBJECTIONABLE MATERIALS AS TO  
11 PERSONS UNDER 18. (a) It is unlawful for a person to sell, offer for  
12 sale, attempt to sell, exhibit, give away, keep in his possession with  
13 intent to sell or give away, or in any way furnish or attempt to  
14 furnish to a person under the age of 18 years a comic book not pro-  
15 hibited under secs. 160 - 180 of this chapter, magazine or other  
16 publication which, read as a whole, is of an obscene nature.

17 (b) It is unlawful for a person to sell, offer for sale, attempt  
18 to sell, exhibit, give away, keep in his possession with intent to  
19 sell or give away, or in any way furnish or attempt to furnish to a  
20 person under the age of 18 years a book, magazine or other material  
21 which depicts, by the use of drawings, photographs, or words the  
22 following:

- 23 (1) assault with intent to commit rape;  
24 (2) rape;  
25 (3) indecent exposure or exhibitionism;  
26 (4) sadism and masochism;  
27 (5) the sex act.

28 (c) This section is intended to include publications where the  
29 text is not prominently featured, but rather is incidental to the

1 picture and appears usually in the balloons that indicate the words  
2 spoken by the characters.

3 (d) This section shall not be construed to apply to those  
4 accounts of crime which are part of the ordinary and general dissemina-  
5 tion of news, nor to drawings and photographs as are used to illustrate  
6 the accounts.

7 (e) This section shall not be construed to apply to legitimate,  
8 illustrated, historical accounts of crime.

9 (f) If a publication prohibited in this section shall be dis-  
10 played in a newsstand, book store, drugstore, market, or other mercan-  
11 tile establishment, where the prohibited publication may be seen by  
12 a child under the age of 18 years visiting the establishment, the  
13 display shall be prima facie evidence that the person in charge of the  
14 establishment was then exhibiting the prohibited publication and  
15 intended to sell, offer for sale, furnish or attempt to furnish the  
16 prohibited publication to a child under the age of 18 years in viola-  
17 tion of this section but the defendant may show that this intent in  
18 fact did not exist.

19 \* Sec. 2. AS 11.40.180 is amended to read:

20 Sec. 11.40.180. PENALTIES FOR VIOLATION OF SECS. 158 - 160  
21 [SEC. 160] OF THIS CHAPTER. A person who violates secs. 158 - 160  
22 [SEC. 160] of this chapter is guilty of a misdemeanor, and upon  
23 conviction is punishable by a fine of not more than \$1,000 [\$300], or  
24 by imprisonment for not more than one year [30 DAYS], or by both.  
25 Each day during which a violation continues is a separate offense.  
26 Premises in which violations of secs. 158 - 160 occur are subject to  
27 abatement of a nuisance in accordance with the law.  
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