AN ACT concerning

Crimes - Obscene Video Games - Prohibition on Sale, Display, or Rental to Minor

FOR the purpose of prohibiting a person from willfully or knowingly displaying or exhibiting to a minor an obscene video game; prohibiting a person from willfully or knowingly engaging in the business of displaying, exhibiting, selling, showing, advertising for sale, distributing, or renting to a minor an obscene video game; establishing criminal penalties for a violation of this Act; and generally relating to selling, displaying, or renting video games to minors.

BY repealing and reenacting, with amendments, Article - Criminal Law
Section 11-203
Annotated Code of Maryland
(2002 Volume and 2005 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Criminal Law

11-203.

(a) (1) In this section the following words have the meanings indicated.

(2) "Distribute" includes to rent.

(3) "Illicit sex" means:
(i) human genitals in a state of sexual stimulation or arousal;
(ii) acts of human masturbation, sexual intercourse, or sodomy; or
(iii) fondling or other erotic touching of human genitals.

(4) "Item" means a:
(i) still picture or photograph;
(ii) book, pocket book, pamphlet, or magazine;
(iii) videodisc, videotape, VIDEO GAME, film, or computer disc; or
(iv) recorded telephone message.

(5) "Obscene" means:
(i) that the average adult applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;
(ii) that the work depicts sexual conduct specified in subsection (b) of this section in a way that is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material; and
(iii) that the work, taken as a whole, lacks serious artistic, educational, literary, political, or scientific value.

(6) "Partially nude figure" means a figure with:
(i) less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or
(ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(b) (1) A person may not willfully or knowingly display or exhibit to a minor an item:
(i) the cover or content of which is principally made up of an obscene description or depiction of illicit sex; or
(ii) that consists of an obscene picture of a nude or partially nude figure.

(2) A person may not willfully or knowingly engage in the business of displaying, exhibiting, selling, showing, advertising for sale, or distributing to a minor an item:
section (b) of this subsection.

(c) The provision of services or facilities by a telephone company under a tariff approved by the Public Service Commission is not a violation of subsection (b) of this section relating to recorded telephone messages.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2006.