

No. 419

AN ACT

Amending the act of June 1, 1956 (P. L. 1997), entitled "An act relating to comic books, magazines and other publications; prohibiting and regulating the sale thereof in certain instances; and imposing penalties," by including books, pictures and periodicals, and authorizing the courts of common pleas upon institution of proceedings by a district attorney to enjoin the sale, resale, distribution or consignment of such publications.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1, act of June 1, 1956 (P. L. 1997), entitled "An act relating to comic books, magazines and other publications; prohibiting and regulating the sale thereof in certain instances; and imposing penalties," is amended to read:

Section 1. It shall be unlawful for any person to sell, offer for sale, attempt to sell, exhibit, give away, keep in his possession with intent to sell, or give away, or in any way furnish, or attempt to furnish, to anyone under the age of eighteen years, any comic book, magazine, *book, picture, periodical* or other publication which is obscene, lewd, lascivious, filthy, indecent or disgusting, or which teaches or advocates the use of narcotics.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to undergo imprisonment not exceeding one year, or both.

Section 2. Section 2 of said act is amended to read:

Section 2. It shall be unlawful for any person to *require any distributor or retail seller* as a condition to a sale or delivery for resale or consignment of any comic book, magazine, *book, picture*, periodical or other publication, or any commodity or goods whatsoever, to [require that the purchaser or consignee receive for resale any other comic book or magazine] *purchase or take by consignment for purposes of sale, resale, or distribution any comic book, magazine, book, picture, periodical* or other publication, which is obscene, lewd, lascivious, filthy, indecent or disgusting.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to undergo imprisonment not exceeding one year, or both.

Sale of certain publications declared unlawful.

Section 1, act of June 1, 1956, P. L. 1997, amended.

Section 2, of said act, amended.

The act is amended by adding, after section 2, a new section to read:

Section 2.1. The district attorney of any county in which any person sells, distributes, consigns, or is about to sell, distribute, or consign, or has in his possession with intent to sell, resell, distribute or consign, any comic book, magazine, book, picture, periodical or other publication, which is obscene, lewd, lascivious, filthy, indecent or disgusting, may institute proceedings in equity in the court of common pleas of said county for the purpose of enjoining the sale, resale, distribution or consignment of such comic book, magazine, book, picture, periodical or other publication, contrary to the provisions of this act, and for such purposes jurisdiction is hereby conferred upon said courts. A preliminary injunction may issue and a hearing thereafter be held thereon in conformity with the rules of civil procedure upon the averment of the district attorney that the sale, resale, distribution or consignment of such publication constitutes a danger to the welfare or peace of the community. The district attorney shall not be required to give bond.

Act effective immediately.

Section 3. This act shall take effect immediately.

APPROVED—The 17th day of July, A. D. 1957.

GEORGE M. LEADER

No. 420

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," extending provisions relating to obscene literature and objects, and increasing the penalty for violating the provisions.

The Penal Code.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 524, act of June 24, 1939, P. L. 872, amended.

Section 1. Section 524, act of June 24, 1939 (P. L. 872), known as "The Penal Code," is amended to read:

Section 524. Obscene Literature, etc.—(a) *Obscene literature consists of any writing, or printed matter, picture, image, drawing, figure, photograph or other pictorial representation, which is unrelated to science, art*