
HOUSE BILL 2554

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By Representatives R. King, Padden, Scott, Casada, Paris, Pruitt,
Brough, Belcher, Rasmussen and Nealey

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1 AN ACT Relating to erotic material and sound recordings; and
2 amending RCW 9.68.050, 9.68.060, and 9.68.090.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.68.050 and 1969 ex.s. c 256 s 13 are each amended to
5 read as follows:

6 For the purposes of RCW 9.68.050 through 9.68.120:

7 (1) "Minor" means any person under the age of eighteen years;

8 (2) "Erotic material" means printed material, photographs,
9 pictures, motion pictures, sound recordings, and other material the
10 dominant theme of which taken as a whole appeals to the prurient
11 interest of minors in sex; which is patently offensive because it
12 affronts contemporary community standards relating to the description
13 or representation of sexual matters or sado-masochistic abuse; and is
14 utterly without redeeming social value;

1 (3) "Person" means any individual, corporation, or other
2 organization;

3 (4) "Dealers", "distributors", and "exhibitors" mean persons
4 engaged in the distribution, sale, or exhibition of printed material,
5 photographs, pictures, ~~((or))~~ motion pictures, or sound recordings.

6 **Sec. 2.** RCW 9.68.060 and 1969 ex.s. c 256 s 14 are each amended to
7 read as follows:

8 (1) When it appears that material which may be deemed erotic is
9 being sold, distributed, or exhibited in this state, the prosecuting
10 attorney of the county in which the sale, distribution, or exhibition
11 is taking place may apply to the superior court for a hearing to
12 determine the character of the material with respect to whether it is
13 erotic material.

14 (2) Notice of the hearing shall immediately be served upon the
15 dealer, distributor, or exhibitor selling or otherwise distributing or
16 exhibiting the alleged erotic material. The superior court shall hold
17 a hearing not later than five days from the service of notice to
18 determine whether the subject matter is erotic material within the
19 meaning of RCW 9.68.050.

20 (3) If the superior court rules that the subject material is erotic
21 material, then, following such adjudication:

22 (a) If the subject material is written or printed, or is a sound
23 recording, the court shall issue an order requiring that an "adults
24 only" label be placed on the publication or sound recording, if such
25 publication or sound recording is going to continue to be distributed.
26 Whenever the superior court orders a publication or sound recording to
27 have an "adults only" label placed thereon, such label shall be
28 impressed on the front cover of all copies of such erotic publication
29 or sound recording sold or otherwise distributed in the state of

1 Washington. Such labels shall be in forty-eight point bold face type
2 located in a conspicuous place on the front cover of the publication or
3 sound recording. All dealers and distributors are hereby prohibited
4 from displaying erotic publications or sound recordings in their store
5 windows, on outside newsstands on public thoroughfares, or in any other
6 manner so as to make them readily accessible to minors.

7 (b) If the subject material is a motion picture, the court shall
8 issue an order requiring that such motion picture shall be labeled
9 "adults only". The exhibitor shall prominently display a sign saying
10 "adults only" at the place of exhibition, and any advertising of said
11 motion picture shall contain a statement that it is for adults only.
12 Such exhibitor shall also display a sign at the place where admission
13 tickets are sold stating that it is unlawful for minors to misrepresent
14 their age.

15 (c) Failure to comply with a court order issued under the
16 provisions of this section shall subject the dealer, distributor, or
17 exhibitor to contempt proceedings.

18 (d) Any person who, after the court determines material to be
19 erotic, sells, distributes, or exhibits the erotic material to a minor
20 shall be guilty of violating RCW 9.68.050 through 9.68.120, such
21 violation to carry the following penalties:

22 (i) For the first offense a misdemeanor and upon conviction shall
23 be fined not more than five hundred dollars, or imprisoned in the
24 county jail not more than six months;

25 (ii) For the second offense a gross misdemeanor and upon conviction
26 shall be fined not more than one thousand dollars, or imprisoned not
27 more than one year;

28 (iii) For all subsequent offenses a felony and upon conviction
29 shall be fined not more than five thousand dollars, or imprisoned not
30 less than one year.

1 **Sec. 3.** RCW 9.68.090 and 1969 ex.s. c 256 s 17 are each amended to
2 read as follows:

3 No retailer, wholesaler, or exhibitor is to be deprived of service
4 from a wholesaler or wholesaler-distributor of books, magazines, motion
5 pictures, sound recordings, or other materials or subjected to loss of
6 his franchise or right to deal or exhibit as a result of his attempts
7 to comply with this statute. Any publisher, distributor, or other
8 person, or combination of such persons, which withdraws or attempts to
9 withdraw a franchise or other right to sell at retail, wholesale or
10 exhibit materials on account of the retailer's, wholesaler's or
11 exhibitor's attempts to comply with RCW 9.68.050 through 9.68.120 shall
12 incur civil liability to such retailer, wholesaler or exhibitor for
13 threefold the actual damages resulting from such withdrawal or
14 attempted withdrawal.