

2A:115-6

LEGISLATIVE FACT SHEET

ON *Obscene movie - Projections
penalty against prohibited*

N.J.R.S. 2A:115-6

(Amendment)

LAWS OF 1971

CHAPTER 376 Dec. 30, 1971

SENATE

ASSEMBLY 25

INTRODUCED *Pre-filed*

BY *Crane*

STATEMENT

YES

NO

AMENDED DURING PASSAGE

YES

NO

HEARING

VETO *Conditional Veto*

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 25

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1970 SESSION

By Assemblyman CRANE

AN ACT concerning indecency and obscenity and supplementing
chapter 115 of Title 2A of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The penalties imposed by the provisions of chapter 115 of
2 Title 2A of the New Jersey Statutes shall not apply to a motion
3 picture operator, or assistant operator, who is employed in a motion
4 picture theatre, in connection with a motion picture show exhibited
5 in said theatre, provided that such operator or assistant operator,
6 has no financial interest in the motion picture theatre wherein he
7 is so employed other than his wages owed **and has no decision-*
8 *making authority or responsibility with respect to the selection of*
9 *the motion picture show which is exhibited*.*

1 2. This act shall take effect immediately.

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7 is so employed other than his wages owed.

1 2. This act shall take effect immediately.

STATEMENT

This bill is similar to legislation passed in Connecticut, Massachusetts, New Hampshire, California, Iowa, Kansas and Rhode Island. It is intended to protect the motion picture projectionist who does not have any discretion concerning the films he projects and protects him from arrest for merely performing his job.

ASSEMBLY AMENDMENT TO
ASSEMBLY, No. 25

STATE OF NEW JERSEY

ADOPTED NOVEMBER 15, 1971

Amend page 1, section 1, line 7, after "owed", insert "and has no decision-making authority or responsibility with respect to the selection of the motion picture show which is exhibited".

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 15, 1971

ASSEMBLY BILL NO. 25

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 25, with my objections, for reconsideration.

This bill would provide immunity for motion picture projectionists from penalties in connection with the showing of indecent or obscene motion pictures, provided the projectionist has no financial interest in the motion picture theater wherein he is so employed, other than his wages.

The statement affixed to the bill indicates that it "is intended to protect the motion picture projectionist who does not have any discretion concerning the films he projects and protects him from arrest for merely performing his job." The bill, as drafted, does not accomplish this expressed intention. As drafted, it would grant immunity in situations where the projectionist does have decision-making responsibility or authority with respect to the selection of motion pictures shown.

In my opinion, immunity from these penalties should only be granted if the projectionist:

1. Has no financial interest in the motion picture theater, and
2. Has no decision-making authority or responsibility with respect to the selection of the motion picture shown.

For this reason, I herewith return Assembly Bill No. 25 for reconsideration and recommend that it be amended as follows:

On Page 1, Section 1, Line 7: After "owed" insert "and has no decision-making authority or responsibility with

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

ASSEMBLY BILL NO. 25

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respect to the selection of the motion picture
show which is exhibited."

Respectfully,

/s/ William T. Cahill

GOVERNOR

[seal]

Attest:

/s/ Jean E. Mulford

Acting Secretary to the Governor