

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:34-3.1 et al seq

(Obscene material--retail display allow municipalities to require covers)

LAWS: 1988

CHAPTER: 17

Bill No: S1254

Sponsor(s): Contillo

Date Introduced: Pre-filed

Committee: Assembly: -----

Senate: Law, Public Safety and Defense

Amended during passage: No

Date of Passage: Assembly: March 21, 1988

Senate: February 22, 1988

Date of Approval: April 26, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

COPY

§§1.2
C. 2C:34-3.1 &
2C:34-3.2
§3 Note to
§§1.2

P.L. 1988, CHAPTER 17, *approved April 26, 1988*
1988 Senate No. 1254

AN ACT concerning the retail display of obscene material and supplementing chapter 34 of Title 2C of the New Jersey Statutes.

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

1. "Retailer," as used in this act, means any person who operates a store, newsstand, booth, concession or similar business with unimpeded access for persons under 18 years old, who is in the business of making sales of periodicals or other publications at retail containing pictures, drawings or photographs.

2. A municipality may enact an ordinance making it a petty disorderly persons offense for a retailer to display or permit to be displayed at his business premises any obscene material as defined in N.J.S. 2C:34-3, at a height of less than 5 feet or without a blinder or other covering placed or printed on the front of the material displayed. Any such ordinance shall contain a provision stating that public display of the obscene material shall constitute presumptive evidence that the retailer knowingly made or permitted the display.

3. This act shall take effect on the first day of the second month after enactment.

CRIMINAL JUSTICE
Consumer Affairs

Permits municipalities to require covers on certain sexually oriented material.

SPONSOR'S STATEMENT

STATEMENT

This bill permits a municipality to enact an ordinance prohibiting as a petty disorderly persons offense the retail display of obscene material as defined in N.J.S. 2C:34-3, at a height of less than five feet or without a covering over the front of the material. Any such ordinance is required to contain a provision stating that public display of obscene material constitutes presumptive evidence that the retailer made the display or caused or permitted it to be made knowingly. "Retailer" is defined in the bill as a person who operates a store, newsstand, booth, concession or similar business with unimpeded access to persons under the age of 18 and is in the business of making sales of periodicals or other publications at retail containing pictures, drawings or photographs.

The penalties for a petty disorderly persons offense include a fine of up to \$1,000.00, imprisonment for up to 30 days, or both.

SENATE, No. 1254
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Senator CONTILLO

1 **AN ACT** concerning the retail display of obscene material and
2 supplementing chapter 34 of Title 2C of the New Jersey
3 Statutes.

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6 State of New Jersey:

7 1. "Retailer," as used in this act, means any person who
8 operates a store, newsstand, booth, concession or similar
9 business with unimpeded access for persons under 18 years old,
10 who is in the business of making sales of periodicals or other
11 publications at retail containing pictures, drawings or
12 photographs.

13 2. A municipality may enact an ordinance making it a petty
14 disorderly persons offense for a retailer to display or permit to
15 be displayed at his business premises any obscene material as
16 defined in N.J.S. 2C:34-3, at a height of less than 5 feet or
17 without a blinder or other covering placed or printed on the
18 front of the material displayed. Any such ordinance shall
19 contain a provision stating that public display of the obscene
20 material shall constitute presumptive evidence that the retailer
21 knowingly made or permitted the display.

22 3. This act shall take effect on the first day of the second
23 month after enactment.

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STATEMENT

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28 This bill permits a municipality to enact an ordinance
29 prohibiting as a petty disorderly persons offense the retail
30 display of obscene material as defined in N.J.S. 2C:34-3, at a
31 height of less than five feet or without a covering over the front
32 of the material. Any such ordinance is required to contain a
33 provision stating that public display of obscene material
34 constitutes presumptive evidence that the retailer made the
35 display or caused or permitted it to be made knowingly.

1 "Retailer" is defined in the bill as a person who operates a
store, newsstand, booth, concession or similar business with
3 unimpeded access to persons under the age of 18 and is in the
business of making sales of periodicals or other publications at
5 retail containing pictures, drawings or photographs.

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7 fine of up to \$1,000.00, imprisonment for up to 30 days, or both.

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CRIMINAL JUSTICE

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Consumer Affairs

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oriented material.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 1254

STATE OF NEW JERSEY

DATED: FEBRUARY 18, 1988

1 The Senate Law, Public Safety and Defense Committee reports favorably Senate Bill 1254.

3 Senate Bill 1254 permits a municipality to enact an ordinance prohibiting as a petty disorderly persons offense the retail display
5 of obscene material as defined in N.J.S. 2C:34-3, at a height of less than five feet or without a covering over the front of the
7 material. Any such ordinance is required to contain a provision stating that public display of obscene material constitutes
9 presumptive evidence that the retailer knowingly made or permitted the display. "Retailer" is defined in the bill as a
11 person who operates a store, newsstand, booth, concession, or similar business with unimpeded access to persons under the age
13 of 18 and who is in the business of making sales of periodicals or other publications at retail containing pictures, drawings, or
15 photographs.

Material which is obscene for persons under 18 years of age is
17 defined in N.J.S. 2C:34-3 as any description, narrative account, display, or depiction of a specific anatomical area or sexual
19 activity which, by means of posing, composition, format, or animated sensual details, emits sensuality with sufficient impact
21 to concentrate prurient interest on the area or activity.

The penalties for a petty disorderly persons offense include a
23 fine of up to \$1,000.00, imprisonment for up to 30 days, or both.

25 This bill was pre-filed for introduction in the 1988 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.