

Chapter 7.42 RCW
INJUNCTIONS—OBSCENE MATERIALS

Sections

- 7.42.010 Obscene prints and articles—Jurisdiction to enjoin.
- 7.42.020 Injunction authorized.
- 7.42.030 Trial by jury—Judgment.
- 7.42.040 Matter to be surrendered to sheriff—Seizure, destruction.
- 7.42.050 Prosecuting attorney need not file undertaking prior to
 order—Nonliability.
- 7.42.060 Knowledge of contents chargeable after service.
- 7.42.070 Exemptions.

Rules of court: *Cf. CR 65.*

Crimes, obscenity: Chapter 9.68 RCW.

Criminal procedure, sufficiency of indictment, information for obscene literature: RCW 10.37.130.

RCW 7.42.010 Obscene prints and articles—Jurisdiction to enjoin. The superior courts shall have jurisdiction to enjoin the sale or distribution of obscene prints and articles as hereinafter specified. [1959 c 105 § 1.]

RCW 7.42.020 Injunction authorized. The prosecuting attorney of every county of the state, in which a person, firm, or corporation sells or distributes or offers to sell or distribute or has in his or her possession with intent to sell or distribute any book, magazine, pamphlet, comic book, story paper, writing, paper, newspaper, phonograph record, magnetic tape, electric or mechanical transcription, picture, drawing, photograph, figure, image, or any written or printed matter of an indecent character, which is obscene, lewd, lascivious, filthy, or indecent, or which contains an article or instrument of indecent use or purports to be for indecent use or purpose, may maintain an action in the name of the state for an injunction against such person, firm, or corporation in the superior court to prevent the sale or further sale or the distribution or further distribution or the acquisition or possession of any book, magazine, pamphlet, comic book, story paper, writing, paper, newspaper, phonograph record, magnetic tape, electric or mechanical transcription, picture, drawing, photograph, figure, or image or any written or printed matter of indecent character, herein described. [2011 c 336 § 203; 1959 c 105 § 2.]

RCW 7.42.030 Trial by jury—Judgment. The person, firm, or corporation sought to be enjoined shall be entitled to a trial by jury of the issues within a reasonable time after joinder of issue and a judgment shall be entered by the court within two days of the conclusion of the trial. No injunction or restraining order shall be issued prior to the conclusion of the trial. [1959 c 105 § 3.]

RCW 7.42.040 Matter to be surrendered to sheriff—Seizure, destruction. In the event that a final order or judgment of injunction be entered in favor of the state and against the person, firm, or corporation sought to be enjoined, such final order or judgment shall contain a provision directing the person, firm, or corporation to surrender to the sheriff of the county in which the action was brought any of the matter described in RCW 7.42.020, and each sheriff shall be directed to seize and destroy the same. [1959 c 105 § 4.]

RCW 7.42.050 Prosecuting attorney need not file undertaking prior to order—Nonliability. In any action brought as herein provided, the prosecuting attorney shall not be required to file any undertaking before the issuance of an injunction order provided for in RCW 7.42.040, shall not be liable for costs and shall not be liable for damages sustained by reason of the injunction order in cases where judgment is rendered in favor of the person, firm, or corporation sought to be enjoined. [1959 c 105 § 5.]

RCW 7.42.060 Knowledge of contents chargeable after service. Every person, firm, or corporation who sells, distributes, or acquires possession with intent to sell or distribute any of the matter described in RCW 7.42.020, after the service upon him or her of a summons and complaint in an action brought by the prosecuting attorney pursuant to this chapter is chargeable with knowledge of the contents thereof. [2011 c 336 § 204; 1959 c 105 § 6.]

RCW 7.42.070 Exemptions. Nothing in this chapter shall apply to any recognized historical society or museum, the state law library, any county law library, the state library, the public library, any library of any college or university, or to any archive or library under the supervision and control of the state, county, municipality, or other political subdivision. [1959 c 105 § 7.]