
HOUSE BILL 1422

State of Washington 53rd Legislature 1993 Regular Session

By Representatives King, Padden, Appelwick, Brough, Casada and Sheldon

Read first time 01/27/93. Referred to Committee on Judiciary.

1 AN ACT Relating to erotic material; and amending RCW 9.68.060.

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

3 **Sec. 1.** RCW 9.68.060 and 1992 c 5 s 2 are each amended to read as
4 follows:

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

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

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

1 (a) The prosecutor shall notify the code reviser of the superior
2 court decision and request that the code reviser publish the decision
3 in the Washington State Register pursuant to RCW 34.08.020.
4 Publication in the Washington State Register is deemed official notice
5 of such decision.

6 (b) If the subject material is written or printed, or is a sound
7 recording, the court shall issue an order requiring that an "adults
8 only" label be placed on the publication or sound recording, if such
9 publication or sound recording is going to continue to be distributed.
10 Whenever the superior court orders a publication or sound recording to
11 have an "adults only" label placed thereon, such label shall be
12 impressed on the front cover of all copies of such erotic publication
13 or sound recording sold or otherwise distributed in the state of
14 Washington. Such labels shall be in forty-eight point bold face type
15 located in a conspicuous place on the front cover of the publication or
16 sound recording. All dealers and distributors are hereby prohibited
17 from displaying erotic publications or sound recordings in their store
18 windows, on outside newsstands on public thoroughfares, or in any other
19 manner so as to make an erotic publication or the contents of an erotic
20 sound recording readily accessible to minors.

21 ~~((b))~~ (c) If the subject material is a motion picture, the court
22 shall issue an order requiring that such motion picture shall be
23 labeled "adults only". The exhibitor shall prominently display a sign
24 saying "adults only" at the place of exhibition, and any advertising of
25 said motion picture shall contain a statement that it is for adults
26 only. Such exhibitor shall also display a sign at the place where
27 admission tickets are sold stating that it is unlawful for minors to
28 misrepresent their age.

29 ~~((e))~~ (d) Failure to comply with a court order issued under the
30 provisions of this section shall subject the dealer, distributor, or
31 exhibitor to contempt proceedings.

32 ~~((d))~~ (e) Any person who, after the court determines material to
33 be erotic, sells, distributes, or exhibits the erotic material to a
34 minor shall be guilty of violating RCW 9.68.050 through 9.68.120, such
35 violation to carry the following penalties:

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

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

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

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