

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 1193
HOUSE BILL 1102

1 AN ACT TO PROVIDE A PENALTY FOR THE TRANSMITTAL OF OBSCENITY INTO
2 THE STATE OF NORTH CAROLINA.

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4 The General Assembly of North Carolina do enact:

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6 **Section 1.** Any person, firm or corporation who is absent from the State and has not
7 qualified to do business within the State, or who is not otherwise amenable to the legal
8 processes of the State, and who shall originate, publish or otherwise create any obscenity, as
9 denned in Section 14-189.1, knowing or having reasonable grounds to believe that the same
10 will be transmitted, forwarded, or dispatched to the State of North Carolina shall, if the same is
11 ultimately transmitted, forwarded, or dispatched to the State, be subject to a penalty of not less
12 than five hundred dollars (\$500.00) for each shipment or group of such obscene materials
13 transmitted under one order of shipment; and any properties, including any chose in action, of
14 such person, firm or corporation which may be found within this State shall be subject to
15 execution in satisfaction of said penalty. Suit for the collection of the penalty may be brought
16 by the solicitor in the name of the State in the Superior Court of any county of the State upon
17 complaint and affidavit to be served on such nonresident person, firm or corporation, under the
18 provisions of G.S. 1-98.1 et seq. and upon collection the penalty shall be payable to the public
19 school fund of the county in which the suit is commenced.

20 **Sec. 2.** Any person, firm or corporation against whom seizure, attachment or levy is
21 brought for the satisfaction of the penalty herein provided against a nonresident may plead such
22 seizure, attachment or levy in bar of any action for the enforcement of any obligation due to the
23 nonresident, and recovery by the nonresident shall be barred to the extent of any payment made
24 pursuant to such seizure, levy or attachment.

25 **Sec. 3.** All laws and clauses of laws in conflict with this Act are hereby repealed.

26 **Sec. 4.** This Act shall be in full force and effect from and after its ratification.

27 In the General Assembly read three times and ratified, this the 22nd day of June,
28 1961.