

§ 19-12. Definitions.

As used within this Article, the following definitions shall apply:

- (1) "Harmful Material".—
 - a. Any picture, photograph, drawing, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse, and which is harmful to minors, or
 - b. Any book, pamphlet, magazine, or printed matter however reproduced which contains any matter enumerated in subparagraph a of this subdivision or which contains explicit or detailed verbal descriptions or accounts of sexual excitement, sexual conduct or sadomasochistic abuse, and which, taken as a whole, is harmful to minors.
- (2) "Harmful to minors". – That quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:
 - a. Predominantly appeals to the prurient, shameful or morbid interest of minors, and
 - b. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable materials for minors, and
 - c. Is utterly without redeeming social importance for minors.
- (3) "Knowledge of the Minor's Age".—
 - a. Knowledge or information that the person is a minor, or
 - b. Reason to know, or a belief or ground for belief which warrants further inspection or inquiry as to, the age of the minor.
- (4) "Knowledge of the Nature of the Material".—
 - a. Knowledge of the character and content of any material described herein, or
 - b. Knowledge or information that the material described herein has been adjudged to be harmful to minors in a proceeding instituted pursuant to this Article, or is the subject of a pending proceeding instituted pursuant to this Article.
- (5) "Minor".—Any person under the age of 18 years.
- (6) "Nudity".—The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.
- (7) "Person".—Any individual, partnership, firm, association, corporation or other legal entity.
- (8) "Sadomasochistic abuse".—Flagellation or torture by or upon a person clad in undergarments, a mask or a bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
- (9) "Sexual conduct".—Acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.
- (10) "Sexual excitement".—The condition of human male or female genitals when in a state of sexual stimulation or arousal. (1969, c. 1215, s. 1.)