

ASSEMBLY BILL

No. 2627

Introduced by Assembly Member Fox

February 21, 2014

An act to amend Section 311.1 of the Penal Code, relating to obscene matter.

LEGISLATIVE COUNSEL'S DIGEST

AB 2627, as introduced, Fox. Obscene matter.

Existing law generally makes it a crime for anyone who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state possesses, prepares, publishes, produces, develops, duplicates, with intent to distribute or to exhibit to, or to exchange with, others, or who offers to distribute, distributes, or exhibits to, or exchanges with, others, any obscene matter, knowing that the matter depicts a person under the age of 18 years personally engaging in or personally simulating sexual conduct.

This bill would make a technical, nonsubstantive change to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 311.1 of the Penal Code is amended to
2 read:
3 311.1. (a) ~~Every~~Any person who knowingly sends or causes
4 to be sent, or brings or causes to be brought, into this state for sale
5 or distribution, or in this state possesses, prepares, publishes,

1 produces, develops, duplicates, or prints any representation of
2 information, data, or image, including, but not limited to, any film,
3 filmstrip, photograph, negative, slide, photocopy, videotape, video
4 laser disc, computer hardware, computer software, computer floppy
5 disc, data storage media, CD-ROM, or computer-generated
6 equipment or any other computer-generated image that contains
7 or incorporates in any manner, any film or filmstrip, with intent
8 to distribute or to exhibit to, or to exchange with, others, or who
9 offers to distribute, distributes, or exhibits to, or exchanges with,
10 others, any obscene matter, knowing that the matter depicts a
11 person under the age of 18 years personally engaging in or
12 personally simulating sexual conduct, as defined in Section 311.4,
13 shall be punished either by imprisonment in the county jail for up
14 to one year, by a fine not to exceed one thousand dollars (\$1,000),
15 or by both the fine and imprisonment, or by imprisonment in the
16 state prison, by a fine not to exceed ten thousand dollars (\$10,000),
17 or by the fine and imprisonment.

18 (b) This section does not apply to the activities of law
19 enforcement and prosecuting agencies in the investigation and
20 prosecution of criminal offenses or to legitimate medical, scientific,
21 or educational activities, or to lawful conduct between spouses.

22 (c) This section does not apply to matter which depicts a child
23 under the age of 18, which child is legally emancipated, including
24 lawful conduct between spouses when one or both are under the
25 age of 18.

26 (d) It does not constitute a violation of this section for a
27 telephone corporation, as defined by Section 234 of the Public
28 Utilities Code, to carry or transmit messages described in this
29 chapter or perform related activities in providing telephone
30 services.