
CABLE STATUTE - ORDINANCE

Section 1

A. No person (including franchisee) shall by means of cable television system, knowingly distribute by wire or cable to its subscribers *any indecent material* or knowingly provide such material for distribution.

B. "Person" shall include individuals, partnerships, associations and corporations.

C. "Distribute" shall mean send, transmit or retransmit or otherwise pass through a cable television system.

D. "Material" means any visual material shown on a cable television system, whether or not accompanied by a soundtrack, or any sound recording played on a cable television system.

E. "Indecent material" shall mean material which is a representation or verbal description of:

1. a human sexual or excretory organ or function; or
2. nudity; or
3. ultimate sexual acts, normal or perverted, actual or simulated; or
4. masturbation;

which under contemporary community standards for cable television is patently offensive.

F. "Community Standards" shall mean the standards of the community encompassed within the territorial area covered by the franchise.

G. "Provide" means to supply for use.

H. "A person acts knowingly" if he has knowledge of the character or nature of the material involved. A person is presumed to have knowledge of the character or nature of the material if he has actual notice of the nature of such material whether or not he has precise notice of its contents.

Section 2

Violation of this statute shall constitute a misdemeanor and any person convicted of such violation shall be confined in jail for not more than _____ months or fined not more than _____ Dollars, either or both.

Morality in Media of Massachusetts, Inc.

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February 28, 1984

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Letter to City and Town Clerks -- re Cable TV

Over a year ago we worked hard with a special Governor's Committee On Obscenity/Indecency in Cablevision. That committee comprised 25 citizens from every section of the Commonwealth. A resultant bill (S 484), a copy of which we enclose, languished without enactment in the legislature. The evidence of increasing obscenity/indecency in cable programming is severe and is there for any community to explore and confirm.

We write this letter to bring before your community the urgency of this problem in the interest of family life and especially for the reasonable protection to be provided for the susceptibilities of children and the young. At the present time there are no legal constraints whatever on cable programming in Massachusetts. The FCC and the federal administration have opted out of cable transmission simply on the grounds that it is transmitted by wire and not over the airwaves. This leaves communities at the mercy of the cable industry, now busily huckstering programs by Playboy and Penthouse and the offering of uncut adult films.

In the face of this obvious invasion of the domestic hearth by a cynical industry, Milwaukee and Miami have already enacted local decency ordinances for cable. Utah has enacted a state law. Missouri and Tennessee have decency statutes initiated in their legislatures.

May we suggest that you bring this issue of indecent cable programming to the proper authority in your community? At the present time it is left to the local communities to deal with the problem through decency clauses in the contracts negotiated with cable companies by city and town officials. Surely, family life and the integrity of the home deserve some protection through those vested by the community with authority to do so.

Sincerely,

The Board of Directors
Morality in Media of Massachusetts
Thomas A. Walsh, Secretary

S-115

Comm. from Thomas A. Walsh, Sec., Board of
Directors of Morality in Media of Mass., RE:
obscenity/indecency in cable t.v. program-
ming & transmitting a copy of S. 484 which
was unacted upon by the legislature.

*Copy delivered to City Solicitor's
Office 2/29/84 mh*

In City Council,

February 27, 1984

*2/27/84
Referred to the
City Solicitor
for
Report*