

March 4, 1974

At once would probably be best.

PRESIDENT: Okay.

SENATOR DE CAMP: Okay. All the members of the Legislature probably received information from or relative to this bill, information from the Attorney General which indicated that if the bill were adopted, the amendments were adopted just the way Senator Goodrich has them, the Attorney General felt it would clearly unconstitutional in a large number of areas and, in fact, the Attorney General suggested not only would it be unconstitutional but even the severability clause wouldn't be able to save the bill because it would be so integrated in a number of unconstitutional areas that they would have to throw out the whole bill. Therefore, I got together with Mr. Bucchino who was interested in the bill and began working out some amendments to sort of constitutionalize the bill. I think it's clear that in 1974 the Legislature is going to pass a piece of legislation attacking the problem of obscenity and pornographic. At least obscenity and pornography as they relate to minors and that's the thrust of this bill, protection of minors particularly very tender age from pornographic and obscene materials. And so the 12 or 14 provisions of these amendments merely correct portions in the bill which would be unconstitutional if we adopted them. So I move for the adoption of the amendments and if there are specific questions about how they do this, I would be happy to answer them. But let me simply say they're primarily legal technicalities, elimination of possibly vague language in some areas giving a defendant a right to jury trial. Some of these other elements that are absolutely first amendment rights and if we're going to keep a bill and a strong obscenity bill, we're going to have it a constitutional one and that's what the amendments do.

PRESIDENT: Okay. Senator Goodrich, the Chair wants to be fair. Do you want to respond to these amendments or do you have a statement. Senator Goodrich.

SENATOR GOODRICH: I wish to say that I completely concur with the amendments. I disagree with the original Attorney General's opinion because of the way it was written. However, in working with Senator DeCamp on the amendments, I have seen where we could clarify the bill and it's for that reason that I completely concur with the amendments.

PRESIDENT: All right, now, is there any further discussion then of the DeCamp amendments to the committee amendments? All right, then, all those in favor of the DeCamp amendments please say aye. Those opposed say no. So ordered, the DeCamp amendments are adopted. Now then, Senator Goodrich, back to you for the adoption of the amendments as amended.

SENATOR GOODRICH: I move for the adoption of these amendments as amended.

PRESIDENT: All right. Then the question is shall the committee amendments as amended now be adopted. All those in favor of adopting the committee amendments please say aye. Those opposed say no. Ayes have it, so ordered, the committee amendments are adopted. Are there other amendments to the bill?

CLERK: None, Mr. President.

PRESIDENT: All right, Senator Goodrich, back to you.