

In subsection (a)(4) of this section, the reference to "sodomasochistic abuse, sexual conduct, or sexual excitement" is substituted for the former reference to "these activities or items" for clarity.

As to the penalty provided in subsection (c) of this section, see General Revisor's Note to subtitle.

Defined terms: "Advertising purposes" § 11-101

"Person" § 1-101

"Sodomasochistic abuse" § 11-101

"Sexual conduct" § 11-101

"Sexual excitement" § 11-101

11-106. SAME — PRESUMPTIONS.

FOR PURPOSES OF §§ 11-101 THROUGH 11-105 OF THIS SUBTITLE, AN EMPLOYEE OF A PERSON WHO OPERATES PREMISES WHERE A PUBLIC DISPLAY VIOLATES THIS SUBTITLE IS PRESUMED TO HAVE BEEN THE OPERATOR OF THE PREMISES WHEN THE VIOLATION OCCURRED IF THE EMPLOYEE WAS ON THE PREMISES AT THE TIME OF THE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 416F.

This section applies only to §§ 11-101 through 11-105 of this subtitle to reflect the reorganization of the former Nudity and Sexual Displays subheading. The crime of "indecent exposure" was not included in the former subheading and was not subject to the presumption outlined in this section.

Defined term: "Person" § 1-101

11-107. INDECENT EXPOSURE.

A PERSON CONVICTED OF INDECENT EXPOSURE IS GUILTY OF A MISDEMEANOR AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 335A.

Defined term: "Person" § 1-101

GENERAL REVISOR'S NOTE TO SUBTITLE

The former Nudity and Sexual Displays subheading of Article 27 contained a general penalty provision, Art. 27, § 416G, that applied to all violations of the subheading. In *Randall Book Corp. v. State*, 316 Md. 315, 329 (1989), the Court of Appeals concluded that "the legislature [in Art. 27, § 416D] intended the knowing display of each separate obscene magazine to constitute a separate offense, separately punishable". As each crime is separately punishable, for clarity, the former penalty provision is repeated in each section to which the penalty applies.