

#122
(R-85-273)

RESOLUTION NUMBER R- 261636

ADOPTED ON OCT 1 1984

WHEREAS, the definition of "obscene matter" as matter that is "utterly without redeeming social importance", as set forth in California Penal Code Section 311, was declared by the United States Supreme Court in the case of Miller v. California, 413 U.S. 15, 37 L.Ed.2d 419, 93 S.Ct 2607 (1973) as not to be a constitutionally required standard; and

WHEREAS, such a definition is unduly restrictive and may be instrumental in the proliferation of obscene material that adversely affects the public welfare; NOW THEREFORE,

BE IT RESOLVED, that the Council of The City of San Diego sponsor legislation to amend Penal Code Section 311 to define pornography in a manner consistent with the standards established by the U.S. Supreme Court, to wit:

Pornographic material shall be defined as:

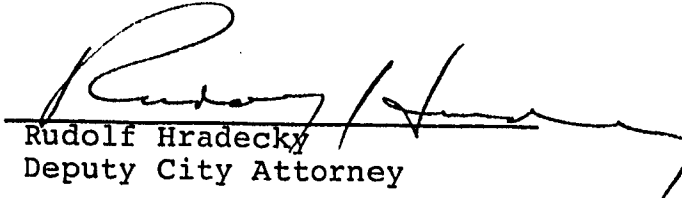
1. Material that the average person, applying contemporary community standards, would find taken as a whole, appeals to the prurient interest; and

2. That the material depicts or describes in a patently offensive way, explicit sexual conduct of a specifically defined nature, to wit: actual or simulated representations or descriptions of ultimate sexual acts whether normal or perverted, such as coitus, fellatio, cunnilingus, anilingus, pederasty, coprophagy, bestiality, and the like, or of masturbation, excretory functions and lewd genital exhibition; and

3. That the material, taken as a whole, lacks serious literary, artistic, political or scientific value.

APPROVED: John W. Witt, City Attorney

By


Rudolf Hradecky
Deputy City Attorney

RH:mem:501.9
8/16/84:9/5/84
R-85-273
Or.Dept:Council-McColl

OCT 1 1984

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *June A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

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