

(R-85-271)

RESOLUTION NUMBER R- 261637

ADOPTED ON OCT 1 1984

WHEREAS, pornography debases human beings, and in particular, women, in a systematic practice of exploitation and subjugation based on sex; and

WHEREAS, pornography is instrumental in creating and maintaining civil inequality of the sexes, by promoting contempt for and fostering acts of sexual aggression against women; and

WHEREAS, pornography is not constitutionally protected activity and should not be tolerated in an ordered society; and

WHEREAS, persons who suffer discrimination or injury as a result of the production, distribution or dissemination of pornography do not have adequate legal remedies available for proper redress; NOW THEREFORE,

BE IT RESOLVED, that the Council of The City of San Diego sponsor legislation to ensure that the civil rights of the citizens of California are protected and promoted through the following means:

1. That it be declared to be a public policy of the State of California that a person's civil rights include the right to be free from pornography or its effects.
2. That any victim or any person who suffers injury or harm as a result of the production, distribution or dissemination of pornography in any medium be granted a civil cause of action as a violation of his or her civil rights against those responsible

for the production, distribution or dissemination of such pornography.

3. That the word "pornography" when involved in a violation of a person's civil rights shall be defined by the least restrictive interpretation of either the United States Supreme Court, the California Supreme Court, or the California Legislature that applied when the injury occurred or the cause of action accrued.

4. That the term "victim" shall include persons who are sexually exploited through their participation in sexual activity used in the production of pornography in any medium, notwithstanding that their participation was voluntary.

5. That the term "person who suffers injury or harm" shall also include a victim of sexual violence whose assailant was motivated or influenced, in whole or in part, by pornography.

6. That it shall not be a defense that the production of the pornography or the participation of the victim occurred outside the State of California if the distribution or dissemination occurs within the State.

7. That it be declared against the public policy of the State of California for any person to be deemed to consent to participation in sexual activity which is used in the production of pornography in any medium.

8. That it shall not be a defense that the victim voluntarily participated in or otherwise consented to the production, distribution or dissemination of pornography.

9. That it shall not be a defense nor reduce any resulting liability that the effects of the pornography were cumulative with other causative factors, if it is established that a victim of sexual violence in California was injured by an assailant who was motivated or influenced, in part, by pornography that was produced, distributed or otherwise disseminated within the State of California.

10. That the statute of limitations for the bringing of an action for a violation of a civil right based on pornography shall not commence until the victim or person injured discovers the injury or harm, and shall extend thereafter for a period of three years.

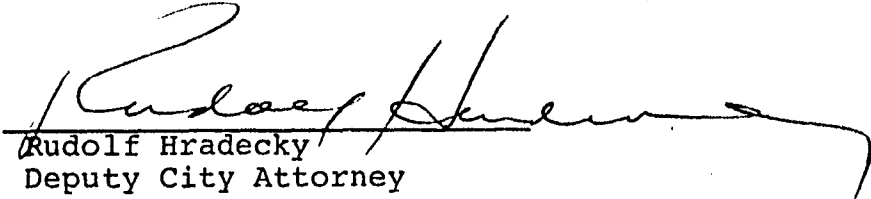
11. That the victim or person injured shall be entitled to collect damages plus a minimum penalty of \$50,000 from each person, party or business enterprise responsible for the production, distribution or dissemination of pornography through which the person become a victim or suffered injury.

12. That the term "injury" shall include psychological injury as well as physical injury, damage, or death.

13. That the cause of action shall survive the death of the victim or person injured, and liability for damages shall be joint and several, while liability for any penalty shall be several, irrespective of whether the participation, production, distribution or dissemination of the pornography was for profit or not, in addition to any other remedies authorized by law.

APPROVED: John W. Witt, City Attorney

By

  
Rudolf Hradecky  
Deputy City Attorney

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8/16/84:9/5/84  
R-85-271  
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

Resolution Number R-261637 Adopted OCT 1 1984

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