

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE BILL 885

Short Title: "Dial-a-Porn"Outlawed.

(Public)

Sponsors: Senator Block.

Referred to: Judiciary I.

April 17, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO OUTLAW RECORDED COMMERCIAL OBSCENE TELEPHONE
3 COMMUNICATIONS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 14 of the General Statutes is amended by adding a new
6 section to read:

7 "**§ 14-196.3. Using telephone communications for obscene comments, suggestions,**
8 **etc.; injunction; recorded commercial message.**

9 (a) It shall be unlawful for any person, by means of a telephone communication
10 for commercial purposes, to make directly or by means of an electronic recording
11 device, any comment, request, suggestion, or proposal which is obscene, lewd,
12 lascivious, filthy, or indecent. Any person who makes this type of comment, request,
13 suggestion, or proposal may be prosecuted pursuant to this section if the person placed
14 or initiated the telephone call.

15 (b) It shall be unlawful for any person to knowingly permit any telephone or
16 telephone facility connected to a local exchange telephone under his control to be used
17 for any purpose prohibited by subsection (a) of this section.

18 (c) Any person who violates any provision of this section shall be guilty of a
19 misdemeanor. For purposes of this subsection, each day of a violation shall constitute a
20 separate offense.

21 (d) A court may grant a preliminary injunction under this section after due notice
22 to the party to be enjoined and upon a sufficient showing of the likelihood of ultimate
23 success in a prosecution under this section and showing that the injunction would be in
24 the public interest. Any injunction granted pursuant to this section shall be dissolved by

1 the court if a full trial on the merits is not scheduled within a time period, not to exceed
2 30 days, specified by the court.

3 (e) If a person applies to a local exchange telephone company for use of the local
4 exchange telephone company's facilities for the purpose of transmitting a recorded
5 commercial message, the local telephone exchange telephone company may review the
6 message and deny the applicant's request for facilities if the message appears to violate
7 the provisions of this section."

8 Sec. 2. This act is effective upon ratification.