

Groups sue Mass. over newly expanded obscenity law

July 13 2010, By DENISE LAVOIE , AP Legal Affairs Writer

(AP) -- A coalition of booksellers and Internet content providers on Tuesday filed a federal lawsuit challenging an expansion of Massachusetts' obscenity law to include electronic communications that may be harmful to minors.

Supporters say the new law, which went into effect Monday, closes a loophole that prompted the state's highest court to overturn the conviction of a man accused of sending sexually explicit [instant messages](#) to someone he believed was a 13-year-old girl.

The Supreme Judicial Court, ruling in a case in February, found that the state's obscenity law didn't apply to instant messages. The new law, passed quickly by the state Legislature after the ruling, added instant messages, text messages, e-mail and other electronic communications to the old law.

The changes amount to "a broad censorship law that imposes severe content-based restrictions" on the dissemination of constitutionally protected speech, the lawsuit argues.

The plaintiffs include the [American Civil Liberties Union](#) of Massachusetts, the Association of American Publishers, the Comic Book Legal Defense Fund and other groups. They argue that the expanded law effectively bans from the Internet anything that may be considered "harmful to minors," including material adults have a First Amendment right to view, including information about contraception, pregnancy,

sexual health, literature and art.

"For most communications over the Internet, it is not possible for a person sending or posting the communication to ensure that the communication will not be read or seen by a minor," the lawsuit states.

The law is written in such a way that it encompasses "all [Internet communications](#) - such as postings on websites and through listservs, which might be read or seen by a minor - and not merely those communications directed to a specific minor."

Supporters of the law said the change will help protect children from online sexual predators. Penalties include to up to five years in prison or a fine of as much as 10,000 for a first offense.

The lawsuit, filed in U.S. District Court, names Massachusetts Attorney General Martha Coakley and district attorneys around the state as defendants, citing their authority to prosecute violations of the law.

A spokeswoman for Coakley said the lawsuit was being reviewed.

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Citation: Groups sue Mass. over newly expanded obscenity law (2010, July 13) retrieved 2 May 2024 from <https://phys.org/news/2010-07-groups-sue-mass-newly-obscenity.html>

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