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TRANSLATION OF PORTIONS OF JUVENILE CODE

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Laws for the Protection of Juveniles Part 1 [...]

Part 2 Page 31

Law Governing the Distribution of
Youth Endangering Literature and Media Content (GjS)[...]

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Masthead: Published by the Federal Ministry for Families, the Elderly, Women and
Juveniles, 53107 Bonn, www.bmfsfj.de

Address for Brochures: Postfach 20 15 51, 53145 Bonn, Tel. (0180) 5329329 [...]

6th Edition, June, 1998 [...]

Part 2

**Law Governing the Distribution of
Youth Endangering Literature and Media Content (GjS)**

Version of the Proclamation of 12 July 1987,

as Amended by Article 6 of the of the Regulations for the Information and
Communication Services (IuKDG) of 22 July 1997 (BGBl. I S. 1870) [...]

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§ 1

The Inclusion of Writings on a Censored List

(1) Publications which are likely to endanger children or juveniles shall be included on a
(censored) list.

Included among these are primarily writings which are immoral or uncouth, or which
promote violence and lawlessness, or which glorify war.

Inclusions on this list shall be made public.

(2) A publication shall not be placed on this list:

1. Solely on account of its political, social, religious or philosophical content;
2. If it serves to promote art, science, research, or pedagogical ends;
3. Whenever it serves the public interest, unless the method of presentation is in itself
cause of complaint.

(3) sound recordings, graphic representations, data files, photocopies and other
reproductions shall be treated in the same manner as printed material.

Printed material as defined by this law are not radio broadcasts as described in paragraph
2 of the National Broadcasting Agreement or contextual offerings of distributors or
referral services or consultation services, insofar as the editorial moulding of public
opinion is the primary consideration, according to Paragraph 2 of the Media Services
State Contract in the Version of 20 January to 7 February 1997.

(4) Child, in the legal sense, means all persons younger than fourteen years of age;
adolescent means persons who are fourteen but not yet eighteen years of age [...]

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§ 3

Prohibition of Distribution

- (1) A publication whose inclusion on the Censored List has been announced, may not:
 - 1. Be offered, loaned or made available to a child or adolescent;
 - 2. Be displayed, attached, presented or otherwise made available at any place which is accessible or may be viewed by children or adolescents.
 - 3. By way of rental or comparable commercial methods with the exception of shops which are not accessible to children or adolescents and can not be viewed by them, offered or otherwise directed to them.
 - 4. Be distributed, stored , maintained or otherwise made available, by means of electronic information and communication services.
- (2) Paragraph 1 No. 3 does not apply when commercial transactions take the form of loans or rentals. Paragraph 1 No. 4 does not apply when, by means of technical limitations, precautions have been taken so that inland availability is restricted to mature consumers.

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§ 5

Restriction of Advertising

- (1) In advertising, it is unlawful to allude to that fact that proceedings to place the document on the censored list are under way or have taken place.
- (2) A document whose placement on the list has been declared, may not be offered, announced or recommended, either publicly or through written materials.
- (3) Paragraph 2 does not pertain:
 - 1. If a commercial transaction takes place within an appropriate context, or:
 - 2.If, by means of technical precautions or some other manner, transferral to or observation by children or adolescents is impossible. [...]

§ 6

Materials Which Are Especially Youth-Endangering

Restrictions which are applicable under Paragraphs 3 to 5, but do not need to be included on the censored list and proclaimed:

- 1. Publications containing the contents specified in § 130 Paragraph 2 or § 131 of the Penal Code;
- 2. Pornographic writings (§ 184 of the Penal Code;)
- 3. Other publications which are clearly designed to severely endanger the morals of children or adolescents.

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Section Six: Prescribed Punishments

§ 21

Punishable Acts

- (1) Whoever shall commit the following with a publication whose inclusion on the censored list has been proclaimed, or with one of the publications indicated in §6:
 - 1. In violation of Section 3 Paragraph 1 No. 1 offers, transmits or makes available to a child or adolescent;
 - 2. In violation of Section 3 Paragraph 1 displays at the designated places, attaches, presents or otherwise makes available;
 - 3. In violation of Section 3 Paragraph 1 No. 3. By means of rental or comparable commercialtransaction, offers to another or furnishes to another;

- 3a. In violation of Section 3 Paragraph 1 No. 4, distributes, stores or otherwise makes available to another;
 - 4. In violation of section 4 Paragraph 1 in the indicated cases, deals, distributes, lends or holds in storage;
 - 5. In violation of Section 4 Paragraph 2 Sentence 1, delivers to persons indicated therein;
 - 6. In violation of Section 4 Paragraph 3 undertakes to introduce or
 - 7. In violation of Section 5 Paragraph 2 offers, announces or recommends,
- shall be punished with a prison sentence not to exceed one year, or else with a fine.
- (2) That person will likewise be punished who:
 - 1. In violation of Section 5 Paragraph 1, commercially solicits or
 - 2. Reproduces or publicizes the censored list for purposes of commercial solicitation
 - (3) In case the perpetrator is guilty of negligence, the punishment shall not exceed six months imprisonment or a commensurate fine.
 - (4) Sections 1 to 3 shall not be applicable if a guardian offers, furnishes or makes available the objectionable printed material to a child or adolescent for whom he is responsible.
 - (5) The court may dispense with punishment according to Sections 1 to 3, in case the perpetrator who gives, offers or makes available the printed material to a child or adolescent, is himself an adolescent or equivalent in the sense of §11 No. 1 of the Penal Code.
 - (6) In case a child or adolescent shall offer, give or make available the censored printed material, to another child or adolescent, then the Office of Juvenile Affairs shall apply measures which are appropriate on the basis of existing regulations.

TRANSLATOR'S AFFIDAVIT:

I CERTIFY THAT I POSSESS EXPERT COMPREHENSION OF THE ENGLISH AND GERMAN LANGUAGES AND THAT THE ABOVE IS A TRUE AND ACCURATE TRANSLATION.

J. M. Damon, MA, The University of Texas at Austin
25 March 2001