

ficial flowers of the American Legion, Veterans of Foreign Wars, Spanish-American War Veterans, American War Mothers, Disabled American Veterans of the World War, the American Veterans of World War II (AMVETS), [and] the Marine Corps League, and the Italian American World War Veterans of the United States, Incorporated, namely the poppy, the buddy poppy, carnation, American War Mothers' carnation, the forget-me-not, the four leaf white clover, [and] the poinsettia and the daisy, except on the day or days designated or appointed by the respective veterans' organizations to conduct such sales, shall, upon conviction, in a summary proceeding, be sentenced to pay a fine of not more than fifty dollars (\$50), and in default of the payment of such fine, and costs, shall be sentenced to imprisonment for ten (10) days.

APPROVED—The 23rd day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 389

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," further regulating obscene exhibitions.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: The Penal Code.

Section 1. Section 528, act of June 24, 1939 (P. L. 872), known as "The Penal Code," is amended to read: Section 528, act of June 24, 1939, P. L. 872, amended.

Section 528. Obscene [or Sacrilegious] Exhibition.—Whoever gives or participates in, or being the owner of any premises, or having control thereof, permits within or on said premises, any dramatic, theatrical, operatic, or vaudeville exhibition, or the exhibition of fixed or moving pictures, \*of [a lascivious, sacrilegious, obscene, indecent, or immoral nature and character, or such as might tend to corrupt morals] *an obscene nature*, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding [five hundred dollars (\$500)] *one thousand five hundred dollars (\*\*\$1,500)*, or undergo imprisonment for a period not exceeding [one (1) year] *two (2) years*, or both.

*An exhibition shall be deemed obscene if, to the average person applying contemporary community stand-*

\* "or" in original.

\*\* "\$" omitted in original.

Act effective  
immediately.

*ards, its dominant theme taken as a whole appeals to prurient interest.*

Section 2. This act shall take effect immediately.

APPROVED—The 23rd day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 390

AN ACT

Amending the act of June 4, 1943 (P. L. 886), entitled, as amended, "An act creating a Municipal Employees' Retirement System for the payment of retirement allowances to officers and employees of political subdivisions and municipal authorities and of institutions supported and maintained by political subdivisions, and providing for the administration of the same by a board composed of certain state officers and others appointed by the Governor; imposing certain duties on the State Employees' Retirement Board and the actuary thereof; providing the procedure whereby political subdivisions and municipal authorities may join such system, and imposing certain liabilities and obligations on such political subdivisions and municipal authorities in connection therewith, and as to certain existing retirement and pension systems, and upon officers and employees of such political subdivisions; institutions supported and maintained by political subdivisions, and upon municipal authorities; providing certain exemptions from taxation, execution, attachment, levy and sale; and making an appropriation," defining certain words, establishing eligibility requirements for municipal membership in the retirement system, providing for payment of the expenses of administration, and changing the retirement allowances payable to beneficiaries and the administration of the funds and accounts of the system.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Municipal Em-  
ployees' Retirement  
Law.

Section 2, act of  
June 4, 1943,  
P. L. 886,  
amended June 5,  
1947, P. L. 434  
and June 12,  
1947, P. L. 601,  
further amended.

Section 1. Section 2, act of June 4, 1943 (P. L. 886), known as the "Municipal Employees' Retirement Law," amended June 5, 1947 (P. L. 434) and June 12, 1947 (P. L. 601), is amended to read:

Section 2. Definitions.—The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

"Board," the Municipal Employees' Retirement Board.

"Municipality," a city, borough, town, township, county, institution district, or [municipal] an authority created by a city, borough, town, township, county, or county institution district, or jointly by any such political subdivisions.

"Municipal Employee," a person holding an office or position under a municipality, an institution supported and maintained by a municipality, or under [a municipi-