

Reported Recommending
Ind. Postponed
Passed House
Failed to Pass House
Passed Senate
Failed to Pass Senate

House File 361

February 25, 1947.
Judiciary 2.

By LONG.

A BILL FOR

An Act relating to the censorship and licensing of films.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Organization. There is hereby established in
2 the state education department, a motion picture department.
3 The head of such department shall be a director, who shall be
4 appointed by the members of the state board of education, upon
5 the recommendation of the superintendent of public instruction.
6 The board of education, upon the recommendation of the
7 superintendent of public instruction, shall appoint such officers
8 and employees as may be needed and prescribe the powers and
9 duties and, within the limits of the appropriation made there-
10 for, fix the compensation of such director, officers and
11 employees. All expenses actually and necessarily incurred in
12 the performance of their duties shall be allowed to such
13 director, officers and employees.

1 Sec. 2. Local offices and bureaus. The state board of
2 education may authorize the establishment and maintenance of
3 offices and bureaus for the reception and examination of films
4 and for the transaction of the business of the department in
5 such places as efficiency, economy and public interests require.

1 Sec. 3. Licenses. The director of the department or,
2 when authorized by the state board of education, the officers
3 of a local office or bureau shall cause to be promptly examined
4 every motion picture film submitted to them as herein required,
5 and unless such film or part thereof, or any poster, banner or
6 advertising matter in connection with such motion film is
7 obscene, indecent, immoral, inhuman, sacrilegious, or is of such
8 a character that its exhibition would tend to corrupt morals or
9 incite to crime, shall issue a license therefor. If such
10 director, or when so authorized, such officer shall not license
11 any film submitted, he shall furnish to the applicant thereof
12 a written report of the reasons for his refusal and a descrip-
13 tion of each rejected part of a film not rejected in toto.

1 Sec. 4. Permits. (a) "Current event" films. All films
2 exclusively portraying current events or pictorial news of the
3 day, commonly called news reels, or excerpts from the public
4 press, may be exhibited without inspection and no permits or
5 fees shall be required therefor.

6 (b) Scientific and educational films. Such director, or
7 when authorized, such officer shall issue a permit for every
8 motion picture film of a strictly scientific character intended
9 for use by the learned profession, without examination thereof,
10 provided that the owners thereof, either personally or by their
11 duly authorized attorney, or representative, shall file the
12 prescribed application, which shall include a sworn description
13 of the film and a statement that the film is not to be exhibited

14 at any private or public place of amusement.

15 Such director, or when so authorized, such officer may in
16 his discretion, without examination thereof, issue a permit for
17 any motion picture film intended solely for educational,
18 charitable or religious purposes, or by any employer for the
19 instruction or welfare of his employers, provided that the
20 owner thereof, either personally or by his duly authorized
21 attorney or representative, shall file the prescribed appli-
22 cation, which shall include a sworn description of the film.
23 No fee shall be charged for such a permit.

1 Sec. 5. Review by members of state board of education.

2 An application for a license or permit, in case his application
3 be denied by the director of the division or by the officer
4 authorized to issue the same, shall have the right of review
5 by the member of the state board of education. The state
6 board of education, however, by rule may provide that such
7 reviews may be heard and determined by a commission of the state
8 board of education or the superintendent of public instruction.
9 A determination upon such review, refusing a license, shall be
10 reviewable by certiorari at the instance of the applicant.

1 Sec. 6. Permits revocable. Any permits issued as provided
2 in this chapter, may be revoked by such director or officer
3 authorized to issue the same five (5) days after notice in
4 writing is mailed to the applicant at the address named in the
5 application. Thereafter any such film may be submitted to the
6 director or authorized officer only in the manner provided for

7 in the license.

1 Sec. 7. Fees. The director or authorized officer of such
2 department shall collect from each applicant for a license or
3 permit, except as otherwise expressly provided in this chapter,
4 a fee of three dollars (\$3.00) for each one thousand (1000)
5 feet or fraction thereof of original film, and two dollars
6 (\$2.00) for each additional copy thereof, licensed or
7 permitted by him. The revocation or cancellation of any
8 license or permit issued shall not entitle the grantee thereof
9 to the return of any fee paid. All fees received by such
10 director or authorized officer shall be paid monthly into
11 the treasury of the state of Iowa.

1 Sec. 8. Application. No license or permit shall be
2 issued for any film unless and until application therefor
3 shall be made in writing in the form, manner and substance
4 prescribed by the state board of education and accompanied
5 by the required fee. Such application shall immediately be
6 given a serial number which shall, by the producer, owner, or
7 applicant be made a part of the principal title portion of the
8 corresponding film and every copy thereof for which the permit
9 or license is applied, in such style and substance as such
10 department shall prescribe.

1 Sec. 9. Licenses and permits void. Any license or
2 permit issued upon a false or misleading affidavit or appli-
3 cation shall be wholly void ab initio. Any change or alteration
4 in a film after license or permit, except the elimination of a

5 part or except upon written direction of the director or
6 authorized officer of such department shall be a violation of
7 this chapter and shall also make immediately void the license
8 or permit therefor. A conviction for a crime committed by the
9 exhibition or unlawful possession of any film in the state of
10 Iowa shall per se revoke any outstanding license or permit for
11 said film and such director or authorized officer shall cause
12 notice thereof to be sent to the applicant or applicants.

1 Sec. 10. Unlawful use or exhibition. It shall be unlawful
2 to exhibit, or sell, lease or lend for exhibition at any place
3 of amusement for pay or in connection with any business in the
4 state of Iowa, any motion picture or film or reel, other than
5 those specified in subdivision (a) of section four (4) of this
6 act, unless there is at the time in full force and effect a
7 valid license or permit therefor of the state board of
8 education, and unless such film or reel shall contain for
9 exhibition upon the screen, identification matter in the
10 substance, style and length which such department shall
11 prescribe.

12 This section shall not be construed to prohibit the making
13 of executory contracts for the sale or leasing of a film or
14 films provided the film shall have been licensed under the
15 provisions of this act and the license seal attached at the
16 time of delivery.

1 Sec. 11. Posters, banners, et cetera. No person or
2 corporation shall exhibit or offer to another for exhibition

3 purposes any poster, banner or other similar advertising matter
4 in connection with any motion picture film, which poster, banner,
5 or matter is obscene, indecent, immoral, inhuman, sacrilegious,
6 or of such a character that its exhibition would tend to corrupt
7 morals or incite to crime. If such poster, banner or similar
8 advertising matter is so exhibited or offered to another for
9 exhibition, it shall be sufficient ground for the revocation
10 of any permit or license issued by the department.

1 Sec. 12. Penalty. A violation of any provision of this
2 article shall be a misdemeanor.

1 Sec. 13. The state board of education shall have authority
2 to enforce the provisions and purposes of this act; but it shall
3 not be construed to relieve any state and local peace officer in
4 the state from the duty otherwise imposed of detecting and
5 prosecuting violations of the laws of the state of Iowa. In
6 carrying out the enforcement and purposes of this act, the state
7 board of education may make all needful rules and regulations.

1 Sec. 14. This act being deemed of immediate importance, shall
2 be in full force and effect from and after its passage and
3 publication in the Clinton Herald, a newspaper published at
4 Clinton, Iowa, and the De Witt Observer, a newspaper published
5 at De Witt, Iowa.

EXPLANATION OF H. F. 361

This bill will require that films and posters be censored and a permit to show them be secured before they can be shown in places of amusement.