

March 5, 1997

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1387

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 12.1-20 of the North Dakota Century Code, relating to prohibiting the facilitation of sexual acts in public; and to provide a penalty.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 12.1-20 of the North Dakota Century Code is created and enacted as follows:

**Facilitation of sexual acts in public.**

1. As used in this section:
  - a. "Adult entertainment center" means any commercial facility at which motion pictures or videos that include explicit representations of sexual conduct are offered for viewing at that facility, but does not include the guest rooms of a hotel or motel.
  - b. "Sexual act" has the meaning prescribed in section 12.1-20-02.
  - c. "Sexual conduct" has the meaning prescribed in section 12.1-27.1-01.
2. It is an infraction for a person to willfully own, rent, lease, manage, or exercise control of any portion of an adult entertainment center if that portion contains:
  - a. Any partition between subdivisions of a room or area that has an opening, commonly known as a glory hole, that facilitates a sexual act between individuals on either side of the partition; or
  - b. A room, booth, stall, or partitioned portion of a room offered to individuals for a fee as an incident to viewing a video, motion picture, or similar entertainment, unless the room, booth, stall, or partitioned portion of the room has:
    - (1) At least one side open to an adjacent public space so that the area inside is visible to individuals in the adjacent public space; and
    - (2) The viewing area is lighted in a manner that the persons in that area are visible from the adjacent public space.
3. This section does not apply to an enclosure that is a private office space used by the owner, manager, or employees of the adult entertainment center if that office space is not held out or available to the public for the purpose of viewing a video, motion picture, or similar entertainment for a fee.
4. The department of health or the state's attorney having jurisdiction may bring an action to enjoin a pattern of violations of this section."

Renumber accordingly