

Sixty-first  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1186

Introduced by

Representatives Delmore, DeKrey, Griffin, Mock

Senators Lyson, Nelson

1 A BILL for an Act to amend and reenact section 12.1-31-08 of the North Dakota Century Code,  
2 relating to the possession or distribution of certain photographs or other visual images; and to  
3 provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 12.1-31-08 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **12.1-31-08. Possession or distribution of certain photographs or other visual**  
8 **representations prohibited - Penalty.**

- 9 1. A person is guilty of a class A misdemeanor if, knowing of its character and  
10 content, ~~a that~~ person surreptitiously acquires and knowingly possesses or  
11 distributes any photograph or other visual representation that exhibits a nude or  
12 partially denuded human figure, as defined in section 12.1-27.1-03.1, without the  
13 individual's written consent.
- 14 2. A person is guilty of a class B misdemeanor if, knowing of its character and  
15 content that person acquires and knowingly distributes any photograph or visual  
16 representation that exhibits a nude or partially denuded human figure, as defined  
17 in section 12.1-27.1-03.1, without the individual's written consent.
- 18 3. If the photograph or other visual representation is of a minor and possession does  
19 not violate section 12.1-27.2-04.1, a parent of the minor may give permission for a  
20 person to possess or distribute the photograph or other visual representation.
- 21 4. This section does not apply to any book, as defined in section 12.1-27.1-03.1,  
22 photograph, video recording, motion picture film, or other visual representation  
23 sold in the normal course of business through wholesale or retail outlets that  
24 possess a valid sales tax permit or used by a licensed attorney, attorney's agent,

- 1 or any other person obtaining evidence for a criminal investigation or pending civil
- 2 action, or by a medical professional or a peace officer acting within that person's
- 3 scope of employment.