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Sixty-eighth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1333

Introduced by

Representatives Prichard, Frelich, Klemin, Koppelman, Marschall, Motschenbacher, D. Ruby, Tveit, VanWinkle

Senator Estenson

A BILL for an Act to create and enact a new section to chapter 12.1-27.1 of the North Dakota Century Code, relating to restrictions on adult-oriented performances; to amend and reenact section 12.1-27.1-12 of the North Dakota Century Code, relating to state pre-emption of local laws regulating obscenity; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 12.1-27.1 of the North Dakota Century Code is created and enacted as follows:

Restrictions on adult-oriented performances - Penalty.

1. As used in this section, "~~adult cabaret~~adult-oriented performance" means a performance ~~in a location other than an adult cabaret which features topless dancers, exotic dancers, strippers, or male or female impersonators who provide entertainment that appeals to a prurient interest~~that, regardless of whether or not performed for consideration, is intended to appeal to a prurient interest and features:
   a. The purposeful exposure, whether complete or partial, of:
      (1) A human genital, the pubic region, the human buttocks, or a female breast, if the breast is exposed below a point immediately above the top of the areola; or
      (2) Prosthetic genitalia, breasts, or buttocks; or
   b. Sexual conduct.
2. A person is guilty of a class A misdemeanor for a first offense and a class C felony for a second or subsequent offense if the person ~~engages in~~organizes an ~~adult cabaret~~adult-oriented performance:
   a. On public property; or

b. In a location where ~~the adult cabaret performance is in the presence of an individual~~individuals under the age of eighteen are admitted or allowed.

SECTION 2. AMENDMENT. Section 12.1-27.1-12 of the North Dakota Century Code is amended and reenacted as follows:

12.1-27.1-12. State pre-emption of local laws regulating obscenity.

This chapter ~~shall be~~is applicable ~~and uniform~~ throughout the state, and ~~no~~a political subdivision ~~shall~~may not enact new, or enforce existing, ordinances or resolutions regulating or prohibiting the dissemination of obscene materials, or controlling obscene or adult-oriented performances, except ordinances authorized by section 5-02-09, section 58-03-11, chapter 11-33, or chapter 40-47.