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Sixty-eighth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT
with Senate Amendments
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-oriented performance" means a performance 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 organizes an adult-oriented performance:
   a. On public property; or
   b. In a location where 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.