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:
   a. "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:
      (1) The purposeful exposure, whether complete or partial, of:
         (a) 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
         (b) Prosthetic genitalia, breasts, or buttocks; or
      (2) Sexual conduct.
   b. "Public property" means real property in which a state agency or a political subdivision has an ownership interest.

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:
Sixty-eighth
Legislative Assembly

1 a. On public property; or
2 b. At a business establishment frequented by minors, or where minors are or may
3 be invited as a part of the general public.
4
5 SECTION 2. AMENDMENT. Section 12.1-27.1-12 of the North Dakota Century Code is
6 amended and reenacted as follows:
7
9 This chapter shall be is applicable and uniform throughout the state, and no political
10 subdivision shall may not enact new, or enforce existing, ordinances or resolutions regulating or
11 prohibiting the dissemination of obscene materials, or controlling obscene or adult-oriented
12 performances, except ordinances authorized by section 5-02-09, section 58-03-11, chapter
13 11-33, or chapter 40-47.