

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1333

That the Senate recede from its amendments as printed on pages 1536 and 1537 of the House Journal and pages 1304 and 1305 of the Senate Journal and that Engrossed House Bill No. 1333 be amended as follows:

Page 1, line 9, replace the underscored comma with ":

a."

Page 1, line 9, replace "adult cabaret" with "Adult-oriented"

Page 1, line 9, remove "in a"

Page 1, remove lines 10 and 11

Page 1, line 12, replace "a prurient interest" with "that"

Page 1, line 12, after "consideration" insert ", 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"

Page 1, line 14, replace "engages in" with "organizes"

Page 1, line 14, replace "adult cabaret" with "adult-oriented"

Page 1, line 16, remove "or"

Page 1, line 17, remove "In a location where the adult cabaret performance is in the presence of an"

Page 1, line 18, replace "individual under the age of eighteen" with "At a business establishment frequented by minors, or where minors are or may be invited as a part of the general public;

c. On residential property where minors are present; or

d. At any location on private property where minors are or may be invited as a part of the general public"

Re-number accordingly

Introduced by

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

Senator Estenson

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

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

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

8 **Restrictions on adult-oriented performances - Penalty.**

9 1. As used in this section:

10 a. "~~adult cabaret~~Adult-oriented performance" means a performance ~~in a location~~
11 ~~other than an adult cabaret which features topless dancers, exotic dancers,~~
12 ~~strippers, or male or female impersonators who provide entertainment that~~
13 ~~appeals to a prurient interest~~that, regardless of whether or not performed for
14 consideration, is intended to appeal to a prurient interest and features:

15 (1) The purposeful exposure, whether complete or partial, of:

16 (a) A human genital, the pubic region, the human buttocks, or a female
17 breast, if the breast is exposed below a point immediately above the
18 top of the areola; or

19 (b) Prosthetic genitalia, breasts, or buttocks; or

20 (2) Sexual conduct.

21 b. "Public property" means real property in which a state agency or a political
22 subdivision has an ownership interest.

- 1 2. A person is guilty of a class A misdemeanor for a first offense and a class C felony for
2 a second or subsequent offense if the person ~~engages in~~organizes an ~~adult-~~
3 ~~cabaret~~adult-oriented performance:
4 a. On public property; ~~or~~
5 b. ~~In a location where the adult cabaret performance is in the presence of an-~~
6 ~~individual under the age of eighteen~~At a business establishment frequented by
7 minors, or where minors are or may be invited as a part of the general public;
8 c. On residential property where minors are present; or
9 d. At any location on private property where minors are or may be invited as a part
10 of the general public.

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

13 **12.1-27.1-12. State pre-emption of local laws regulating obscenity.**

14 This chapter ~~shall be~~is applicable and uniform throughout the state, and ~~no~~a political
15 subdivision ~~shall~~may not enact new, or enforce existing, ordinances or resolutions regulating or
16 prohibiting the dissemination of obscene materials, or controlling obscene or adult-oriented
17 performances, except ordinances authorized by section 5-02-09, section 58-03-11, chapter
18 11-33, or chapter 40-47.