

# CRIMES AND PUNISHMENTS

## CHAPTER 134

SENATE BILL NO. 2137  
(Lowe)

### PROJECTIONIST'S LIABILITY FOR OBSCENE MOVIES

AN ACT to amend and reenact sections 12-21-07, 12-21-09, and 12-21-11 of the North Dakota Century Code, to provide that certain motion picture theater employees shall not be liable for showing or possessing obscene motion pictures if acting within the scope of their employment.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 12-21-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-21-07. SALE, EXHIBITION, AND DISTRIBUTION OF LEWD AND OBSCENE MATTER TO PERSONS UNDER TWENTY-ONE PROHIBITED.) No obscene, lewd, salacious, or lascivious book, pamphlet, picture, paper, letter, magazine, newspaper, writing, print, printing, film, negative, transcription, wire or tape recording, or other matter of indecent character, shall be sold, loaned, given away, shown, exhibited, distributed, advertised or offered for sale, loan, gift or distribution, or be held in possession with intent to sell, loan, give away, show, exhibit, or distribute, to anyone under the age of twenty-one. Any person, firm, copartnership or corporation who hires, uses, or employs anyone under the age of twenty-one to sell, give away, or in any manner distribute such matter, and any person who, having the care, custody, or control of a person under the age of twenty-one years, permits such person to sell, give away, or in any manner distribute such matter, shall also be guilty of a violation of sections 12-21-07, 12-21-09, and 12-21-11. The trial court shall take into consideration and give due weight to the approval by the national association known as the "Comics Code Authority", or such association's successors, of any comic books or publications in question under sections 12-21-07, 12-21-09, and 12-21-11. The provisions of this section with respect to the exhibition of, or the possession with intent to exhibit, any obscene, lewd, salacious, or lascivious matter shall not apply to a motion picture projectionist acting within the scope of his employment as an employee of any person, firm, or corporation exhibiting motion pictures pursuant to a license issued under the provisions of chapter 53-06, provided that such operator is not a manager and has no financial interest in his place of employment, other than wages.

SECTION 2. AMENDMENT.) Section 12-21-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-21-09. BUYING, SELLING, DISTRIBUTING, EXHIBITING, PREPARING, POSSESSION OF, OR BRINGING INTO STATE ANY EQUIPMENT FOR PREPARING, LEWD AND OBSCENE MATTER - DISTRIBUTION OF INDECENT ARTICLES - TIE-IN SALES.) No person, firm, copartnership, or corporation shall buy, sell, cause to be sold, advertised, lend, give away, offer, show, exhibit, distribute, cause to be distributed, or design, copy, draw, photograph, print, etch, engrave, cut, carve, make, publish, prepare, assist in preparing, solicit or receive subscriptions for, or hold in possession with intent to sell, lend, give away, offer, show, exhibit, distribute, or cause to be distributed, or bring or cause to be brought into the state any obscene, lewd, salacious, or lascivious book, pamphlet, picture, paper, letter, magazine, newspaper, writing, print, printing, film, negative, transcription, wire or tape recording, cast, cut, carving, figure, image, or other matter, article or instrument of indecent character or immoral use, or any equipment, machinery, or devices used or intended to be used in the preparation, manufacturing, or producing of such obscene matter and material. The trial court shall take into consideration and give due weight to the approval by the national association known as the "Comics Code Authority", or such association's successors, of any comic books or publications in question under sections 12-21-07, 12-21-09, and 12-21-11.

No person, firm, copartnership, or corporation shall as a condition to a sale or delivery for resale of any paper, magazine, book, periodical, or publication require that the purchaser or consignee receive for resale any other article, book, or other publication reasonably believed by the purchaser or consignee to be obscene, lewd, lascivious, filthy, indecent, or disgusting.

The provisions of this section with respect to the exhibition of, or the possession with intent to exhibit, any obscene, lewd, salacious, or lascivious matter shall not apply to a motion picture projectionist acting within the scope of his employment as an employee of any person, firm, or corporation exhibiting motion pictures pursuant to a license issued under the provisions of chapter 53-06, provided that such operator has no financial interest in his place of employment, other than wages.

SECTION 3. AMENDMENT.) Section 12-21-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-21-11. SEIZURE AND CONFISCATION OF EQUIPMENT USED IN PRODUCTION OR MANUFACTURE OF INDECENT LITERATURE OR ARTICLES AND OF VEHICLES USED IN DISTRIBUTION OF INDECENT ARTICLES AUTHORIZED.) Any peace officer of this state may seize any equipment used in the printing, production, or manufacture of indecent and obscene

literature, matter, or articles of whatever nature, and may seize any vehicle or other means of transportation used in the distribution of such indecent and obscene literature, matter, or articles, and may arrest any person in charge thereof, provided that such arrest shall not be made of a motion picture projectionist acting within the scope of his employment as an employee of any person, firm, or corporation exhibiting motion pictures pursuant to a license issued under the provisions of chapter 53-06, provided that such operator has no financial interest in his place of employment, other than wages. The procedures prescribed in chapter 29-31 of this Code relating to confiscation of equipment used in the commission of crimes shall apply and shall be followed in carrying out the provisions of this section.

Approved March 27, 1971

## CHAPTER 135

HOUSE BILL NO. 1394  
(Gerl, Mushik, Bunker)

## PUBLIC DANCING ON SUNDAY

AN ACT to amend and reenact section 12-21-19 of the North Dakota Century Code, relating to public dancing on Sunday, and providing a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 12-21-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-21-19. SUNDAY DANCES PROHIBITED - PUNISHMENT.) No person shall keep open, run, or permit the running of any place for public dancing, or permit the use of any place for public dancing between the hours of one o'clock a.m. on Sunday and eight o'clock a.m. the following Monday morning. Any person violating the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars for each offense.

Approved March 27, 1971

## CHAPTER 136

HOUSE BILL NO. 1287  
(Shablow, McGauvran, Rundle, Hensrud)

LEGAL JEOPARDY FOR  
SELF-DEFENSE

AN ACT relating to legal jeopardy in cases of self-defense or in aid of another in certain cases.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. LEGAL JEOPARDY IN SELF-DEFENSE - AID TO ANOTHER - PROTECTION.) In addition to all other rights of self defense no person in this state or any person responding to a request or call of any peace officer of this state shall be placed in legal jeopardy nor be subject to civil damages for protecting, by any means reasonably necessary, himself, his family, or his real or personal property, or when coming to the aid of another who is being the victim of aggravated assault, armed robbery, holdup, rape, murder, or any other crime involving serious force or violence.

Approved March 12, 1971

## CHAPTER 137

HOUSE BILL NO. 1510  
(Metzger)

BOARDING PRISONERS OF  
UNITED STATES

AN ACT to amend and reenact section 12-44-42 of the North Dakota Century Code, relating to county jails and workhouses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 12-44-42 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44-42. UNITED STATES LIABLE FOR EXPENSES.) The United States shall pay for the support and keeping of its prisoners. The United States shall pay such sum for guard hire and board of guards as actually is expended by the sheriff. A sheriff shall not employ more than one guard when the number of United States prisoners in his custody is less than six, and he may employ one additional guard for each additional six prisoners or fractional number thereof.

Approved March 15, 1971

## CHAPTER 138

SENATE BILL NO. 2336  
(Kautzmann)

INDUSTRIAL SCHOOL  
EMPLOYEE'S OATH

AN ACT to amend and reenact section 12-46-05 of the North Dakota Century Code, relating to the oath requirement by the employees of the state industrial school.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 12-46-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-46-05. QUALIFICATIONS OF SUPERINTENDENT, OFFICERS, AND EMPLOYEES.) The superintendent, before entering upon the duties of his office, shall take the oath prescribed for civil officers and furnish a bond in the penal sum of ten thousand dollars, which shall conform to the provisions of law applicable to the bonds of state officers and employees. The bond and oath shall be filed and retained in the office of the state treasurer.

Approved March 3, 1971

## CHAPTER 139

SENATE BILL NO. 2226  
(Sanstead, Chesrown)

PAROLE BOARD MEETINGS  
AND COMPENSATION

AN ACT to amend and reenact section 12-59-02 of the North Dakota Century Code, relating to meetings, quorum and compensation of the parole board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 12-59-02 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-59-02. MEETINGS - QUORUM - COMPENSATION.) The board shall organize by selecting a chairman. Meetings of the board shall be held at the state penitentiary on call of the chairman as often as required to properly conduct the business of the board, but in any event not less than six times per year. Two members shall constitute a quorum, and no action shall be taken without the concurrence of at least two members. Members shall be compensated at the rate of thirty dollars per day for each day actually and necessarily spent in the performance of their duties as board members plus the same mileage and expenses as are authorized for state officials and employees.

Approved March 3, 1971

## CHAPTER 140

SENATE BILL NO. 2322  
(Freed)BUREAU OF CRIMINAL  
INVESTIGATION

AN ACT to amend and reenact section 12-60-01 of the North Dakota Century Code relating to changing the name of the North Dakota state bureau of criminal identification and apprehension.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 12-60-01 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-60-01. BUREAU CREATED.) A bureau of the state government, under the attorney general, is hereby created and is designated as the bureau of criminal investigation hereinafter referred to as the bureau.

Approved March 11, 1971

## CHAPTER 141

HOUSE BILL NO. 1083  
(W. Erickson, Hickle, Hilleboe, Rivinius, Rundle)  
(Legislative Council Study)

BOARD OF MANAGERS OF BUREAU  
OF CRIMINAL IDENTIFICATION

AN ACT to repeal sections 12-60-02, 12-60-03, and 12-60-04 of the North Dakota Century Code, relating to the board of managers of the bureau of criminal identification and apprehension.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL.) Sections 12-60-02, 12-60-03, and 12-60-04 of the 1969 Supplement to the North Dakota Century Code are hereby repealed.

Approved February 20, 1971

## CHAPTER 142

SENATE BILL NO. 2381  
(Holand)DETECTION OF ILLEGAL  
DRUG POSSESSION

AN ACT to create and enact subsection 10 of section 12-60-07 of the North Dakota Century Code, relating to the powers and duties of the bureau of criminal identification and apprehension.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1.) Subsection 10 of section 12-60-07 of the 1969 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

10. To detect and apprehend persons illegally possessing or disposing of drugs.

Approved March 30, 1971

## CHAPTER 143

SENATE BILL NO. 2303  
(Freed)

## FURNISHING CRIME STATISTICS

AN ACT to create and enact section 12-60-13.1 of the North Dakota Century Code, relating to the furnishing of crime statistics by certain city and county officials to the superintendent of the state bureau of criminal identification and apprehension.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1.) Section 12-60-13.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

12-60-13.1 COUNTY AND CITY OFFICIALS TO FURNISH CRIME STATISTICS TO SUPERINTENDENT.) In an effort to assist in controlling crime in the state through the use of reliable statistics relating to crimes and criminal activity, the superintendent, with the approval of the attorney general, may call upon and obtain from the clerks of district courts, county courts, justice courts, municipal courts, sheriffs, police departments, and states attorneys all information that he may deem necessary in ascertaining the condition of crimes and criminal activity in North Dakota; and it shall be the duty of the said officials to furnish any such information so requested by the superintendent on whatever forms or in whatever manner he may prescribe.

Approved March 11, 1971