

Introduced by

Senators Schneider, Armstrong, Lyson

Representatives Kretschmar, Meier, Mock

1 A BILL for an Act to amend and reenact section 12.1-27.2-05 of the North Dakota Century
2 Code, relating to sexual performance by a minor.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-27.2-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-27.2-05. Sexual performance by a minor - Affirmative defenses.**

7 It is an affirmative defense to a prosecution under this chapter that:

- 8 1. The defendant in good faith reasonably believed the person appearing in the
9 performance was eighteen years of age or older; or
- 10 2. The material or performance involved was disseminated or presented for a bona fide
11 medical, scientific, educational, religious, governmental, judicial, or other appropriate
12 purpose by or to a physician, psychologist, sociologist, scientist, teacher, person
13 pursuing bona fide studies or research, librarian, member of the clergy, prosecutor,
14 judge, or other person having a similar interest in the material or performance; ~~or~~
- 15 ~~3. The defendant had no financial interest in promoting a sexual performance by a minor,
16 other than employment in a theater, which employment does not include
17 compensation based upon any proportion of the receipts arising from promotion of the
18 sexual performance, and that person was in no way responsible for acquiring the
19 material for sale, rental, or exhibition.~~