

# CRIMES AND PUNISHMENTS

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## CHAPTER 120

H. B. No. 665  
(Isakson and Adamsen)

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### PUBLIC OFFICER'S INTEREST IN CONTRACTS

#### AN ACT

To amend and reenact section 12-1006 of the North Dakota Revised Code of 1943, relating to personal interest in contract by public officer.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. Amendment.) Section 12-1006 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**12-1006. Personal Interest In Contract By Public Officer; Punishment; Exception.)** Every public officer authorized to sell or lease any property, or make any contract in his official capacity, who voluntarily becomes interested individually in such sale, lease, or contract, directly or indirectly, is guilty of a misdemeanor. Provided however, that township supervisors shall be permitted to do work for such township for a consideration of not to exceed five hundred dollars in any calendar year when a finding is made and entered in the minutes that other persons can not be found to adequately or suitably do such work.

Approved March 2, 1955.

## CHAPTER 121

S. B. No. 104  
(Klefstad and O'Brien)

## ABANDONED ICEBOXES, REFRIGERATORS

## AN ACT

To prevent the abandoning or discarding of iceboxes, refrigerators, or ice chests which have latch lids or doors and to provide a penalty.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1.) Any person, firm or corporation abandoning or discarding in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of one and one-half cubic feet or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch, or who, being the owner, lessee, or manager of such place, knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain in such condition, shall be deemed negligent as a matter of law and shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars, or imprisoned not more than sixty days, or both.

Approved February 26, 1955.

## CHAPTER 122

H. B. No. 825  
(Vinje, Roen, Gefreh, Schuler, Langseth, Brooks and Haugland)

## OBSCENE MATERIALS

## AN ACT

Relating to the prohibition of the buying, selling, distribution, designing or disseminating in any way, of obscene writings and pictures and providing for the enforcement and administration of this Act and penalties for its violation; and to repeal sections 12-2107, 12-2109 and 12-2111 of the North Dakota Revised Code of 1943.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Sale, Exhibition and Distribution of Lewd and Obscene Matter To Persons Under Twenty-One Prohibited.)**  
No obscene, lewd, salacious or lascivious book, pamphlet, pic-

ture, 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 any one under the age of twenty-one. Any person, firm, co-partnership or corporation who hires, uses, or employs any one 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 this Act. 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 associations successors, of any comic books or publications in question under this Act.

**§ 2. Buying, Selling, Distributing, Exhibiting, Preparing, Possession of, or Bringing Into State Any Equipment for Preparing, Lewd and Obscene Matter.)** No person, firm, co-partnership or corporation shall buy, sell, cause to be sold, advertise, 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 associations successors, of any comic books or publications in question under this Act.

**§ 3. Distribution of Indecent Articles: Tie-In Sales.)** No person, firm, co-partnership 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.

**§ 4. 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. The procedure prescribed in chapter 29-31 of the North Dakota Revised Code of 1943 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.

**§ 5. Penalty.)** Any person who violates any of the provisions of this Act shall be punishable by a fine of not to exceed one thousand dollars, or by imprisonment for not to exceed one year, or by both such fine and imprisonment. The term "person" herein shall include any firm, co-partnership or corporation.

**§ 6. Severability.)** Should any part of this Act be adjudged invalid or unconstitutional, such adjudication shall affect only the part of this Act specifically covered thereby and shall not affect any other provisions or parts of this Act.

**§ 7. Repeal.)** Sections 12-2107, 12-2109, 12-2111 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 1, 1955.

## CHAPTER 123

H. B. No. 705

(Wolf, Sticka, Gress, Roen, Snow,)

(Lee, Homelvig, Schmalenberger,)

(Petterson, Poling, Brown, Larson,)

(Bratcher, Strege and Hegge)

## SUNDAY BASEBALL

## AN ACT

To amend and reenact subsection 2 of section 12-2115 of the North Dakota Revised Code of 1943, relating to acts of Sabbath breaking, and declaring an emergency.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Amendment.)** Subsection 2 of section 12-2115 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. Public sports, including shooting, sporting horse racing, or other public sports, circuses, and street carnivals. This section shall not apply to baseball when authorized by the governing body of any municipality to be played within the territorial limits of such municipality or by the board of county commissioners when played outside the limits of cities or villages and when conducted in a quiet and orderly manner so as not to interfere with the peace, repose, and comfort of the community and when played after one o'clock p.m. on the Sabbath day more than five hundred feet away from any church edifice.

**§ 2. Emergency.)** This Act is hereby declared to be an emergency and shall be in full force and effect from and after its passage and approval.

Approved March 11, 1955.

## CHAPTER 124

S. B. No. 37  
(Legislative Research Committee)  
(At the Request of the)  
(Judicial Council)

## SUSPENSION OF CERTAIN SENTENCES

## AN ACT

To amend and reenact section 12-5313 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to imposition and suspension of sentences in certain criminal cases.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.**) Section 12-5313 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**12-5313. Imposition of Sentence Suspended; When Authorized.**) When a defendant has been found guilty of a felony for the first time or when a defendant has been found guilty of a misdemeanor, whether or not for the first time, the court upon application or its own motion may, in its discretion, suspend the imposing of the sentence and may direct that such suspension continue for a definite period of time, not exceeding five years, and upon such terms and conditions as it may determine.

Approved February 26, 1955.

## CHAPTER 125

S. B. No. 161  
(Duffy and Rue)

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## BOARD OF PARDONS; MEETINGS

## AN ACT

To amend and reenact section 12-5503 of the North Dakota Revised Code of 1943, relating to meetings of the board of pardons.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Amendment.)** Section 12-5503 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**12-5503. Board Meetings; When and Where Held.)** The board of pardons shall hold at least two regular meetings in each calendar year, and may hold such other special meetings at such times as it shall determine necessary for the proper performance of its official duties. The regular meetings shall be held on the fourth Monday of March and the first Monday of August of each year at the penitentiary. All special meetings of the board shall be held in the executive chamber at the state capitol, or in such other place as may be ordered by the board.

Approved March 1, 1955.