

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1333**

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, "adult-oriented performance" means a performance that,
10 regardless of whether or not performed for consideration, is intended to appeal to a
11 prurient interest and features:

12 a. The purposeful exposure, whether complete or partial, of:

13 (1) A human genital, the pubic region, the human buttocks, or a female breast,
14 if the breast is exposed below a point immediately above the top of the
15 areola; or

16 (2) Prosthetic genitalia, breasts, or buttocks; or

17 b. Sexual conduct.

18 2. A person is guilty of a class A misdemeanor for a first offense and a class C felony for
19 a second or subsequent offense if the person organizes an adult-oriented
20 performance:

21 a. On public property; or

22 b. In a location where individuals under the age of eighteen are admitted or allowed.

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

3 **12.1-27.1-12. State pre-emption of local laws regulating obscenity.**

4 This chapter ~~shall be~~is applicable and ~~uniform~~ throughout the state, and ~~no~~a political
5 subdivision ~~shall~~may not enact new, or enforce existing, ordinances or resolutions regulating or
6 prohibiting the dissemination of obscene materials, or controlling obscene or adult-oriented
7 performances, except ordinances authorized by section 5-02-09, section 58-03-11, chapter
8 11-33, or chapter 40-47.