

**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:

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

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

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

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

18 (2) Sexual conduct.

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

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

- 1 a. On public property; or
2 b. At a business establishment frequented by minors, or where minors are or may
3 be invited as a part of the general public.

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

6 **12.1-27.1-12. State pre-emption of local laws regulating obscenity.**

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