

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.~~