

SENATE BILL NO. 2123

Introduced by

Senator Beard

1 A BILL for an Act to amend and reenact section 12.1-27.1-03.1 of the North Dakota Century
2 Code, relating to displaying objectionable materials or performance to minors; and to provide a
3 penalty.

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

5 **SECTION 1. AMENDMENT.** Section 12.1-27.1-03.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12.1-27.1-03.1. Objectionable materials or performance - Display to minors -**
8 **Definitions - Penalty.**

- 9 1. A person is guilty of a class B misdemeanor if ~~he~~the person willfully displays at
10 newsstands or any other business establishment frequented by minors, or where
11 minors are or may be invited as a part of the general public, any photograph, book,
12 paperback book, pamphlet, or magazine, the exposed cover or available content of
13 which exploits, is devoted to, or ~~is principally made up of~~contains depictions or written
14 descriptions of nude or partially denuded human figures posed or presented in a
15 manner to exploit sex, lust, or perversion ~~for commercial gain~~.
- 16 2. As used in this section:
- 17 a. "Nude or partially denuded human figures" means less than completely and
18 opaquely covered human genitals, pubic regions, female breasts or a female
19 breast, if the breast or breasts are exposed below a point immediately above the
20 top of the areola, or human buttocks; and includes human male genitals in a
21 discernibly turgid state even if completely and opaquely covered.
- 22 b. "Where minors are or may be invited as a part of the general public" includes any
23 public roadway or public walkway.

Sixty-eighth
Legislative Assembly

- 1 e. ~~The above shall not be construed to include a bona fide school, college,~~
2 ~~university, museum, public library, or art gallery.~~