

March 20, 2017

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1183

Page 1, line 1, after "12.1-20-12.1" insert ", subsection 2 of section 12.1-20-12.2, and subsection 4 of section 12.1-27.2-01"

Page 1, line 2, after "minors" insert ", surreptitious intrusion, and sexual performances by children"

Page 1, line 11, remove "or"

Page 1, line 12, remove "or by"

Page 1, replace lines 13 through 15 with "; or

- d. Exposes one's penis, vulva, or anus by any electronic means to a minor.

Page 1, after line 24, insert:

- "5. As used in this section, "electronic means" includes images and picture transmitted via electronic mail, electronic messaging, or from an electronic communications device.

SECTION 2. AMENDMENT. Subsection 2 of section 12.1-20-12.2 of the North Dakota Century Code is amended and reenacted as follows:

- 2. A person is guilty of a class C felony if the person violates subsection 1 after a previous conviction for violating subsection 1, after a previous conviction for violating section 12.1-20-12.1, ~~or~~ after being required to register under section 12.1-32-15, or if the victim is a minor.

SECTION 3. AMENDMENT. Subsection 4 of section 12.1-27.2-01 of the North Dakota Century Code is amended and reenacted as follows:

- 4. "~~Sexual conduct" means actual or simulated sexual intercourse, sodomy, sexual bestiality, masturbation, sadomasochistic abuse, or lewd exhibition of the buttocks, breasts, or genitals, including the further definitions of sodomy and sadomasochistic abuse under section 12.1-27.1-01.;~~
 - a. Sexual intercourse;
 - b. Sodomy, as defined under section 12.1-27.1-01;
 - c. Sexual bestiality;
 - d. Masturbation;
 - e. Sadomasochistic abuse, as defined under section 12.1-27.1-01;
 - f. Lewd exhibition of the buttocks, breasts, or genitals;
 - g. Nude or partially denuded human figure, as defined in section 12.1-27.1-03.1, if depicted for the purpose of the sexual stimulation or

the sexual gratification of any individual who may view such depiction; or

- h. Physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or breasts. It is not necessary that the minor know that he or she is participating in the described conduct, or any aspect of it."

Renumber accordingly