

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1169

Short Title: Don't Sell Sadistic Video to Minor.

(Public)

Sponsors: Representatives Hurley; Gibson, Gardner, Stam, Decker, and Bowman.

Referred to: Judiciary.

April 11, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE COMMERCIAL DISSEMINATION OF
SADISTIC VIDEO MOVIES THAT ARE HARMFUL TO MINORS IS A
MISDEMEANOR.

The General Assembly of North Carolina enacts:

Section 1. Article 26 of Chapter 14 of the General Statutes is amended by
adding a new section to read:

**"§ 14-190.22. Commercially disseminating sadistic video movies harmful to
minors.**

(a) Offense. A person commits the offense of commercially disseminating
sadistic video movies harmful to minors if, knowing the character or content of the
material, he sells, rents, or otherwise distributes for consideration a sadistic video movie
harmful to minors to a minor.

(b) Definitions. The following definitions apply to this section:

(1) Minor. A minor is a person who is less than 18 years old.

(2) Sadistic Video Movie Harmful to Minors. A sadistic video movie
harmful to minors is one which contains depictions of sadistic violence
and which:

a. A reasonable adult applying contemporary community
standards would find that when viewed as a whole has a
predominant tendency to appeal to a morbid interest of minors
in violence;

b. A reasonable adult applying contemporary community
standards would find that the depiction of sadistic violence in

1 the video movie is patently offensive to prevailing standards in
2 the adult community concerning what is suitable for minors;
3 and

4 c. A reasonable adult would find that when viewed as a whole
5 lacks serious literary, artistic, political, or scientific value for
6 minors.

7 (3) Sadistic Violence. Sadistic violence is the killing, torturing or
8 maiming of a person for the pleasure that the act brings to the
9 participants.

10 (c) Defenses. Except as provided in subdivision (3) of this subsection, a mistake
11 of age is not a defense to a prosecution under this section. It is an affirmative defense to
12 a prosecution under this section that:

13 (1) The defendant was a parent or legal guardian of the minor.

14 (2) The defendant was a school, church, museum, public library,
15 governmental agency, medical clinic, or hospital carrying out its
16 legitimate function; or an employee or agent of such an organization
17 acting in that capacity and carrying out a legitimate duty of his
18 employment.

19 (3) Before disseminating the video movie, the defendant requested and
20 received a drivers license, student identification card, or other official
21 governmental or educational identification card or paper indicating
22 that the minor to whom the video movie was disseminated was at least
23 18 years old, and the defendant reasonably believed the minor was at
24 least 18 years old.

25 (4) The dissemination was made with the prior consent of a parent or
26 guardian of the recipient.

27 (5) The video movie carried a rating from the Rating Administration of the
28 Motion Picture Association of America indicating that it was suitable
29 for viewing by persons of the age of the minor to whom the video
30 movie was disseminated.

31 (d) A violation of subsection (a) is a misdemeanor and is punishable by
32 imprisonment for up to six months and a fine of at least five hundred dollars (\$500.00)."

33 Sec. 2. The provisions of this act are severable, and if any provision of this
34 act is held invalid by a court of competent jurisdiction, the invalidity shall not affect
35 other provisions of the act which can be given effect without the invalid provision.

36 Sec. 3. This act shall become effective October 1, 1989, and shall apply to
37 offenses occurring on or after that date.