
CHAPTER 290—H.F.No.13

An act relating to obscenity; prohibiting the showing of obscene motion pictures at drive-in theatres; prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[617.298] OBSCENE MOTION PICTURES AT DRIVE-IN THEATRES; DEFINITIONS.** Subdivision 1. For the purposes of sections 1 to 2, the terms defined in this section have the meanings given them.

Subd. 2. A motion picture is "obscene" if:

(a) Considered as a whole, by an average person applying contemporary community standards, it is found to appeal predominantly to the prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion; and

(b) Taken as a whole, it lacks serious literary, artistic, political, or scientific value; and

(c) It depicts or describes in a patently offensive way sexual conduct.

For the purpose of this subdivision, "community" means the political subdivision from which persons properly qualified to serve as jurors in a civil proceeding are chosen.

Subd. 3. "Nudity" means the showing of the human male or female genitals, pubic areas, or buttocks with less than a fully opaque covering, or the showing of an uncovered, or less than opaquely covered, female breast below a point immediately above the top of the nipple (or the breast with the nipple and immediately adjacent area only covered).

Subd. 4. "Sexual conduct" means any of the following depicted sexual conduct:

(a) Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude, or clad in undergarments, a mask or bizarre costume, or the condition of being bound, fettered, or otherwise physically restrained on the part of one who is so clothed as an act of sexual stimulation or gratification;

(b) Human defecation or urination;

(c) The condition of human male or female genitals, or the breasts of the female when in a state of sexual stimulation, or the sensual experience of humans in engaging in or witnessing sexual conduct or nudity; or

(d) Human masturbation, sexual intercourse or sodomy, actual or simulated, or any touching of the genitals, pubic areas or buttocks of a human being, whether alone or between members of the same or opposite sex or between humans or animals in an act of

Changes or additions indicated by underline deletions by ~~strikeout~~

apparent sexual stimulation or gratification.

Sec. 2. [617.299] **OBSCENE MOTION PICTURES; PROHIBITING EXHIBITION AT DRIVE-IN THEATRES.** Subdivision 1. Subject to the exemptions of Minnesota Statutes, Section 617.295, a person who exhibits an obscene motion picture at a drive-in theatre is guilty of a misdemeanor.

Subd. 2. Whoever violates the provisions of subdivision 1 within two years of a previous conviction shall be sentenced to imprisonment for not less than 20 days nor more than one year and to payment of a fine of not more than \$1,000.

Approved May 31, 1979.

CHAPTER 291—H.F.No.60

An act relating to natural resources; modifying certain trespass laws; amending Minnesota Statutes 1978, Section 100.273, Subdivisions 1, 2, 4, 7, and 9.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1978, Section 100.273, Subdivision 1, is amended to read:

100.273 **TRESPASS.** Subdivision 1. For purposes of this section, "agricultural lands" mean lands being used to raise agricultural products containing plowed or tilled fields, standing crops or their residues, or lands with a maintained fence for the purpose of enclosing domestic livestock; except lands within 66 feet of the water's edge of streams or lakes.

Sec. 2. Minnesota Statutes 1978, Section 100.273, Subdivision 2, is amended to read:

Subd. 2. No person shall enter upon the agricultural lands of another for any recreational purpose as defined by section 87.021 with the intent of hunting big or small game nor shall any person intentionally enter upon the agricultural land of another for the purpose of pleasure driving, including snowmobiling or operating any motorized vehicle, unless and until the permission of the owner, occupant, or lessee is obtained.

Sec. 3. Minnesota Statutes 1978, Section 100.273, Subdivision 4, is amended to read:

Subd. 4. No person while engaged in any recreational purpose as defined by section 87.021 shall enter or leave the lands of another, or pass from one portion of another person's land, through a closed gate without returning the gate to its original position, nor shall any person destroy, cut or tear down any fence, building, grain, crops, any sign erected pursuant to subdivision 6 or live trees, or wound or kill any domestic animals.

Changes or additions indicated by underline deletions by ~~strikeout~~