

## 617.246 ABORTION; OBSCENITY; HOUSES OF ILL-FAME

### CHAPTER 617. ABORTION; OBSCENITY; HOUSES OF ILL-FAME

Sec.  
617.246 Prohibiting promotion of minors to engage in obscene works. [New]

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Subdivision 1. **Definitions.** (a) For the purpose of this section, the terms defined in this subdivision shall have the meanings given them.

(b) "Minor" means any person who has not attained his or her 18th birthday.

(c) "Promote" means to produce, direct, publish, manufacture, issue, or advertise.

(d) "Sexual performance" means any play, dance or other exhibition presented before an audience or for purposes of visual or mechanical reproduction which depicts patently offensive sexual conduct as defined by clause (f).

(e) "An obscene work" is a picture, a film, photograph, negative, slide, drawing or similar visual representation depicting a minor, which taken as a whole appeals to pedophiles or to the prurient interest in sex of the average person, which portrays patently offensive sexual conduct and which, taken as a whole, does not have serious literary, artistic, political or scientific value. In determining whether or not a work is an obscene work the trier of the fact must find: (i) that the average person, applying contemporary community standards would find that the work, taken as a whole appeals to pedophiles or to the prurient interest in sex of the average person; and (ii) that the work depicts patently offensive sexual conduct specifically defined by clause (f); and (iii) that the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

(f) "Patently offensive sexual conduct" includes any of the following depicted sexual conduct if the depiction involves a minor:

(i) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.

(ii) Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(iii) Masturbation or lewd exhibitions of the genitals including any explicit, close up representation of a human genital organ.

(iv) Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

**Subd. 2. Use of minor.** It is unlawful for a person to knowingly promote, employ, use or permit a minor to engage in or assist others to engage in posing or modeling alone or with others in any sexual performance for purposes of preparing an obscene work.

A violation of this subdivision is a felony.

**Subd. 3. Operation or ownership of business.** A person who owns or operates a business in which an obscene work, as defined in this section, is disseminated, and who knows the content and character of the obscene work disseminated, is guilty of a felony.

**Subd. 4. Dissemination.** A person who, knowing its content and character, disseminates for profit an obscene work, as defined in this section, is guilty of a misdemeanor.

[ 1977 c 371 s 1 ]