

MINNESOTA STATUTES 1979 SUPPLEMENT

ABORTION; OBSCENITY; HOUSES OF ILL-FAME 617.299

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

Sec. 617.298	Obscene motion pictures at drive-in theatres; definitions.	Sec. 617.299	Obscene motion pictures; prohibiting exhibition at drive-in theatres.
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617.298 Obscene motion pictures at drive-in theatres; definitions.

Subdivision 1. For the purposes of this section and section 617.299, 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 apparent sexual stimulation or gratification.

[1979 c 290 s 1]

617.299 Obscene motion pictures; prohibiting exhibition at drive-in theatres.

Subdivision 1. Subject to the exemptions of 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.

[1979 c 290 s 2]

CHAPTER 626. TRAINING; INVESTIGATION, APPREHENSION; REPORTS

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