

NORTH CAROLINA GENERAL ASSEMBLY  
1977 SESSION

CHAPTER 440  
SENATE BILL 165

AN ACT TO PERMIT CRIMINAL PROSECUTION UPON THE INITIAL VIOLATION OF  
OBSCENITY LAWS THAT RELATE TO MINORS AND NON-CONSENTING  
ADULTS.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 14-190.2(h), as it appears in the 1975 Cumulative Supplement to Volume 1B of the General Statutes, is rewritten to read as follows:

"(h) No person, firm, or corporation shall be arrested or indicted for any violation of G.S. 14-190.1, G.S. 14-190.3, G.S. 14-190.4 or G.S. 14-190.5 until the material involved has first been the subject of an adversary determination under the provisions of this section, wherein such person, firm, or corporation is a respondent, and wherein such material has been declared by the court to be obscene and until such person, firm or corporation continues subsequent to such determination, to engage in the conduct prohibited by a provision of the sections hereinabove set forth.

Notwithstanding any provision of G.S. 14-190.2, an adversary determination to adjudge whether material is obscene shall not be required prior to the arrest or indictment of any person, firm or corporation for a violation of any provision of G.S. 14-190.6, G.S. 14-190.7, G.S. 14-190.8, or whether such material is sexually oriented pursuant to G.S. 14-190.10 or G.S. 14-190.11."

**Sec. 2.** G.S. 14-190.7 is amended by changing the period on line 6 to a comma and adding the following:

"except this statute shall not apply to a teacher, a member of the clergy, priests, and rabbis, physician, nurse, or a librarian in the discharge of official responsibilities."

**Sec. 3.** G.S. 14-190.8 is amended by changing the period on line 6 to a comma and adding the following:

"except this statute shall not apply to a teacher, a member of the clergy, priests, and rabbis, physician, nurse, or a librarian in the discharge of official responsibilities."

**Sec. 4.** If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity will not affect other provisions or applications of the act that can be given effect without the invalid provisions or application; and to this end the provisions of this act are severable.

**Sec. 5.** This act shall become effective on July 1, 1977.

In the General Assembly read three times and ratified, this the 26th day of May, 1977.