

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 228

Short Title: Parental Control of Minors' Videos.

(Public)

Sponsors: Representatives Hensley; Bowman, Colton, Hall, Jeffus, and Russell.

Referred to: Judiciary III.

February 22, 1993

A BILL TO BE ENTITLED

AN ACT RECOMMENDED BY THE JUVENILE LAW STUDY COMMISSION TO PROHIBIT THE COMMERCIAL DISSEMINATION OF SADISTIC VIDEOS TO MINORS.

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:

**"§ 14-190.21. Commercially disseminating sadistic video movies harmful to minors.**

(a) Offense. – A person commits the offense of commercially disseminating a sadistic video movie harmful to minors if, knowing the character or content of the video movie, he sells, rents, or otherwise distributes for consideration a sadistic video movie harmful 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 the video movie 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 the  
5                   video movie lacks serious literary, artistic, political, or scientific  
6                   value for 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)   Defense. – Except as provided in subdivision (2) 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)   Before disseminating the video movie, the defendant requested and  
15                   received a drivers license, student identification card, or other form of  
16                   identification indicating that the minor to whom the video movie was  
17                   disseminated was at least 18 years old, and the defendant reasonably  
18                   believed the minor was at least 18 years old.

19                   (3)   The dissemination was made with the prior written consent of a parent  
20                   or guardian of the recipient.

21                  (d)   A violation of subsection (a) is a misdemeanor and is punishable by  
22                  imprisonment for up to six months, or a fine of up to five hundred dollars (\$500.00), or  
23                  both imprisonment and fine."

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

27                  Sec. 3. This act becomes effective October 1, 1993, and shall apply to  
28                  offenses occurring on or after that date.