

**§2913. Exhibiting obscene motion pictures to minors at outdoor motion picture theaters**

**1. Definitions.** For purposes of this section, unless the context indicates otherwise, the following terms have the following meanings.

- A. "Exhibit" means to display for viewing by the public. [PL 1983, c. 300, §7 (NEW).]
- B. "Obscene motion picture" means a motion picture which:
  - (1) To the average individual applying contemporary community standards with respect to what is suitable material for minors, considered as a whole, appeals to prurient interests;
  - (2) Depicts or describes in a patently offensive manner, ultimate sexual acts, excretory functions, masturbation or lewd exhibition of the genitals; and
  - (3) When considered as a whole, lacks serious literary, artistic, political or scientific value.[PL 1983, c. 300, §7 (NEW).]

[PL 1983, c. 300, §7 (NEW).]

**2. Exhibiting obscene motion pictures.** A person is guilty of exhibiting obscene motion pictures to a minor at an outdoor motion picture theater if he knowingly exhibits an obscene motion picture declared obscene in an action to which he was a party pursuant to subsection 3, at an outdoor motion picture theater in such a manner that the exhibition is visible by minors from or in any public street, highway, sidewalk, thoroughfare, private residence or place of public accommodation.

[PL 1983, c. 300, §7 (NEW).]

**3. Procedure for adjudicating obscenity.** Whenever the Attorney General, or any district attorney, reasonably believes a person is exhibiting at an outdoor motion picture theater a motion picture that is obscene, the Attorney General or district attorney may petition the Superior Court to declare the motion picture obscene pursuant to Title 14, sections 5951 to 5963. The Attorney General, or district attorney, may join all persons the Attorney General or district attorney reasonably believes to be exhibiting that motion picture to minors as parties to the action. The hearing on that petition may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

- A. Trial on the issue of obscenity must be by jury. [PL 2011, c. 559, Pt. A, §19 (AMD).]
- B. Intervention by others exhibiting the same motion picture must be freely allowed. [PL 2011, c. 559, Pt. A, §19 (AMD).]
- C. Determination by a court, pursuant to this subsection, that a motion picture is obscene does not bar relitigation of that issue in a criminal prosecution under this section. [PL 2011, c. 559, Pt. A, §19 (AMD).]

[PL 2011, c. 559, Pt. A, §19 (AMD).]

**4. Penalty.** Exhibiting obscene motion pictures to a minor at an outdoor motion picture theater is a Class D crime.

[PL 1983, c. 300, §7 (NEW).]

**SECTION HISTORY**

PL 1983, c. 300, §7 (NEW). PL 2011, c. 559, Pt. A, §19 (AMD).

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