

**AN ACT**

To amend 6 CMC, Sections 1322 and 1323; and for other purposes.

**BE IT ENACTED BY THE TWELFTH NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

Section 1. Findings. Legislature finds that there are approximately ten thousand children residing in the Commonwealth between the ages of five and sixteen and approximately forty thousand children in this same age group visit the Commonwealth as tourists every year. This age group is becoming increasingly exposed to merchandise of pornographic nature and this exposure has a detrimental effect on this age group.

Section 2. Purpose. It is the purpose of this Act to amend 6 CMC, Sections 1322, and 1324; to punish merchants displaying merchandise considered pornographic to children; and, to provide clear, strong, consistent, enforceable standards addressing rights of children.

Section 3. Amendment. 6 CMC, Section 1322(c) is hereby amended to read as follows:

“(c) ‘Graphic reproduction’ means image reproduction of any sort including but not limited to photographs, photo sensitive film, negatives, slides, printed reproductions, video-tape, drawings of live models, and statues of any size but not to include works of art.”

Section 4. Amendment. 6 CMC, Section 1322 is hereby amended to add a new subsection (f) to read as follows:

“(f) ‘Merchant’ means any one of the following: 1) any person required to have a business license from the Commonwealth to engage in commerce; or 2) any person who, from without the Commonwealth, engages in commerce within the Commonwealth or in any act essential to this commerce; or 3) any person\_ who

conducts any lottery, game of chance, or entertainment within the Commonwealth, or any agent, broker, or other representative of such person.”

Section 5. Amendment. 6 CMC Section 1323(e) is amended to read:

“(e) It shall be unlawful to display or show any graphic reproduction showing genitalia, sexual contact or sexual display unless such materials are used for medical reference or for educational purposes, without prominently posting a notice in English, Chamorro, Carolinian, Japanese, Korean, Chinese, and Tagalog as follows:

No admittance unless 18 years old or over.

A merchant convicted under this subsection (e) may be punished by imprisonment of not more than one year, or fine of not more than \$5,000, or both.

Section 6. Amendment. 6 CMC, Section 1324 is hereby amended to read as follows:

“In any prosecution under this article it is not a defense that the defendant did not know the child’s age, or that the defendant reasonably believed the child to be eighteen years old or older based on declaration by the child”

Section 7. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 8. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability civil or criminal, which shall already be in existence on the date this Act becomes effective.

Section 9. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

**CERTIFIED BY:**

/s/ Benigno R. Fitial  
**BENIGNO R. FITIAL**  
SPEAKER OF THE HOUSE

**ATTESTED TO BY:**

/s/ Evelyn C. Fleming  
**EVELYN C. FLEMING**  
HOUSE CLERK

Approved this 19<sup>th</sup> day of July, 2000

/s/ Pedro P. Tenorio  
**PEDRO P. TENORIO**  
**GOVERNOR**  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS