

**§ 14-190.13. Definitions for certain offenses concerning minors.**

The following definitions apply to G.S. 14-190.14, displaying material harmful to minors; G.S. 14-190.15, disseminating or exhibiting to minors harmful material or performances; G.S. 14-190.16, first degree sexual exploitation of a minor; G.S. 14-190.17, second degree sexual exploitation of a minor; G.S. 14-190.17A, third degree sexual exploitation of a minor; and G.S. 14-190.17C, obscene visual representation of sexual exploitation of a minor:

- (1) Child sex doll. – Means an anatomically correct doll, mannequin, or robot that meets both of the following requirements:
  - a. Has the features of or features that resemble those of a minor.
  - b. Is intended to be used for sexual stimulation or gratification.
- (1d) Harmful to minors. – That quality of any material or performance that depicts sexually explicit nudity or sexual activity and that, taken as a whole, has the following characteristics:
  - a. The average adult person applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest of minors in sex; and
  - b. The average adult person applying contemporary community standards would find that the depiction of sexually explicit nudity or sexual activity in the material or performance is patently offensive to prevailing standards in the adult community concerning what is suitable for minors; and
  - c. The material or performance lacks serious literary, artistic, political, or scientific value for minors.
- (1e) Identifiable minor. – An individual who meets all of the following criteria:
  - a. Was a minor at the time either of the following occurred:
    - 1. The material was created, adapted, or modified.
    - 2. The image that was used in creating, adapting, or modifying the material was taken.
  - b. Is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature.

The term "identifiable minor" does not require proof of the actual identity of the minor.

- (2) Material. – Pictures, drawings, video recordings, films or other visual or physical depictions or representations, including digital or computer-generated visual depictions or representations created, adapted, or modified by technological means, such as algorithms or artificial intelligence, but not material consisting entirely of written words.
- (3) Minor. – An individual who is less than 18 years old and is not married or judicially emancipated.
- (3a) Obscene. – Material is obscene if it meets all of the following criteria:
  - a. The material depicts or describes in a patently offensive way sexual activity.
  - b. The average person applying contemporary community standards relating to the depiction or description of sexual matters would find that the material taken as a whole appeals to the prurient interest in sex.
  - c. The material lacks serious literary, artistic, political, or scientific value.

- d. The material as used is not protected or privileged under the Constitution of the United States or the Constitution of North Carolina.
- (4) Prostitution. – Engaging or offering to engage in sexual activity with or for another in exchange for anything of value.
- (5) Sexual activity. – Any of the following acts:
  - a. Masturbation, whether done alone or with another human or an animal.
  - b. Vaginal, anal, or oral intercourse, whether done with another human or with an animal.
  - c. Touching, in an act of apparent sexual stimulation or sexual abuse, of the clothed or unclothed genitals, pubic area, or buttocks of another person or the clothed or unclothed breasts of a human female.
  - d. An act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in revealing or bizarre costume.
  - e. Excretory functions; provided, however, that this sub-subdivision shall not apply to G.S. 14-190.17A.
  - f. The insertion of any part of a person's body, other than the male sexual organ, or of any object into another person's anus or vagina, except when done as part of a recognized medical procedure.
  - g. The lascivious exhibition of the genitals or pubic area of any person.
- (6) Sexually explicit nudity. – The showing of:
  - a. Uncovered, or less than opaquely covered, human genitals, pubic area, or buttocks, or the nipple or any portion of the areola of the human female breast, except as provided in G.S. 14-190.9(b); or
  - b. Covered human male genitals in a discernibly turgid state. (1985, c. 703, s. 9; 1989 (Reg. Sess., 1990), c. 1022, s. 2; 1993, c. 301, s. 2; 2008-218, s. 1; 2013-368, s. 18; 2024-37, s. 2(a).)