

IC 35-49

ARTICLE 49. OBSCENITY AND PORNOGRAPHY

IC 35-49-1

Chapter 1. Definitions

IC 35-49-1-0.1

Repealed

(As added by P.L.220-2011, SEC.631. Repealed by P.L.63-2012, SEC.84.)

IC 35-49-1-1

Definitions applicable throughout article

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.311-1983, SEC.33.

IC 35-49-1-2

"Distribute"

Sec. 2. "Distribute" means to transfer possession for a consideration.

As added by P.L.311-1983, SEC.33.

IC 35-49-1-3

"Matter"

Sec. 3. "Matter" means:

- (1) any book, magazine, newspaper, or other printed or written material;
- (2) any picture, drawing, photograph, motion picture, digitized image, or other pictorial representation;
- (3) any statue or other figure;
- (4) any recording, transcription, or mechanical, chemical, or electrical reproduction; or
- (5) any other articles, equipment, machines, or materials.

As added by P.L.311-1983, SEC.33. Amended by P.L.3-2002, SEC.3.

IC 35-49-1-4

"Minor"

Sec. 4. "Minor" means any individual under the age of eighteen (18) years.

As added by P.L.311-1983, SEC.33.

IC 35-49-1-5

"Nudity"

Sec. 5. "Nudity" means:

- (1) the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering;
- (2) the showing of the female breast with less than a fully

opaque covering of any part of the nipple; or
(3) the depiction of covered male genitals in a discernibly turgid state.

As added by P.L.311-1983, SEC.33.

IC 35-49-1-6

"Owner"

Sec. 6. "Owner" means any person who owns or has legal right to possession of any matter.

As added by P.L.311-1983, SEC.33.

IC 35-49-1-7

"Performance"

Sec. 7. "Performance" means any play, motion picture, dance, or other exhibition or presentation, whether pictured, animated, or live, performed before an audience of one (1) or more persons.

As added by P.L.311-1983, SEC.33.

IC 35-49-1-8

"Sado-masochistic abuse"

Sec. 8. "Sado-masochistic abuse" means flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

As added by P.L.311-1983, SEC.33.

IC 35-49-1-9

"Sexual conduct"

Sec. 9. "Sexual conduct" means:

- (1) sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5);
- (2) exhibition of the uncovered genitals in the context of masturbation or other sexual activity;
- (3) exhibition of the uncovered genitals of a person under sixteen (16) years of age;
- (4) sado-masochistic abuse; or
- (5) sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with an animal.

As added by P.L.311-1983, SEC.33. Amended by P.L.158-2013, SEC.645.

IC 35-49-1-10

"Sexual excitement"

Sec. 10. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

As added by P.L.311-1983, SEC.33.