

**728.4 Rental or sale of hard-core pornography.**

A person who knowingly rents, sells, or offers for rental or sale material depicting patently offensive representations of oral, anal, or vaginal intercourse, actual or simulated, involving humans, or depicting patently offensive representations of masturbation, excretory functions, or bestiality, or lewd exhibition of the genitals, which the average adult taking the material as a whole in applying statewide contemporary community standards would find appeals to the prurient interest; and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value, upon conviction is guilty of an aggravated misdemeanor. However, second and subsequent violations of [this section](#) by a person who has been previously convicted of violating [this section](#) are class “D” felonies. Charges under [this section](#) may only be brought by a county attorney or by the attorney general.

[C79, 81, §728.4; [82 Acts, ch 1115, §1](#)]

[83 Acts, ch 167, §3](#); [89 Acts, ch 263, §2](#)

Referred to in [§692A.102](#)