

200 July 1992, Doc Passed 3/24

FILED MAR 05 1992

SENATE FILE 2287

BY COMMITTEE ON JUDICIARY

Supplement (p. 620)

(SUCCESSOR TO SSB 2050)

Passed Senate, Date 3/10/92 (p. 782) Passed House, Date 3/30/92 (p. 7104)

Vote: Ayes 40 Nays 0 Vote: Ayes 97 Nays 0

Approved April 7, 1992 (p. 1278)

A BILL FOR

1 An Act relating to indecent exposure by a minor in certain
2 establishments and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 2287

S-5156

1 Amend Senate File 2287 as follows:

2 1. Page 1, line 4, by striking the word "minor"
3 and inserting the following: "person under twenty-one
4 years of age".

5 2. Page 1, line 7, by striking the word "minor"
6 and inserting the following: "person under twenty-one
7 years of age".

8 3. Title page, line 1, by striking the word
9 "minor" and inserting the following: "person under
10 twenty-one years of age".

By LARRY MURPHY

S-5156 FILED MARCH 9, 1992

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SF 2287

1 Section 1. Section 728.5, Code 1991, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. If such person allows or permits a
4 minor to engage in or otherwise perform in a live act intended
5 to arouse or satisfy the sexual desires or appeal to the
6 prurient interests of patrons. However, if such person allows
7 or permits a minor to participate in any act included in
8 subsections 1 through 4, the person shall be guilty of an
9 aggravated misdemeanor.

10 Sec. 2. Section 728.8, Code 1991, is amended to read as
11 follows:

12 728.8 SUSPENSION OF LICENSES OR PERMITS.

13 Any person who knowingly permits a violation of section
14 728.2, or 728.3, or 728.5, subsection 7, to occur on premises
15 under the person's control shall have all permits and licenses
16 issued to the person under state or local law as a
17 prerequisite for doing business on such premises revoked for a
18 period of six months. The county attorney shall notify all
19 agencies responsible for issuing licenses and permits of any
20 conviction under section 728.2, or 728.3, or 728.5, subsection
21 7.

22 EXPLANATION

23 This bill makes allowing a minor to engage in or otherwise
24 perform in a live act in an establishment serving alcoholic
25 beverages, wine, or beer under authority of a liquor control
26 license, wine permit, or beer permit intended to arouse or
27 satisfy the sexual desires or appeal to the prurient interests
28 of patrons a serious misdemeanor. If a minor is allowed to
29 perform an actual or simulated sex act, exposes the genitals
30 or buttocks or female breast or nipple, pubic hair, or anus
31 (section 728.5, subsections 1-4) in an establishment serving
32 alcoholic beverages, wine, or beer under authority of a liquor
33 control license, wine permit, or beer permit, the person
34 allowing or permitting it commits an aggravated misdemeanor.

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Rosenberg, W.
MURPHY
FURMAN

SSB 2050
JUDICIARY Now
SENATE/HOUSE FILE 2287
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to indecent exposure by a minor in certain
2 establishments and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2 the following new subsection:

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4 minor to engage in or otherwise perform in a live act intended
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6 prurient interests of patrons. However, if such person allows
7 or permits a minor to participate in any act included in
8 subsections 1 through 4, the person shall be guilty of an
9 aggravated misdemeanor.

10 Sec. 2. Section 728.8, Code 1991, is amended to read as
11 follows:

12 728.8 SUSPENSION OF LICENSES OR PERMITS.

13 Any person who knowingly permits a violation of section
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15 under the person's control shall have all permits and licenses
16 issued to the person under state or local law as a
17 prerequisite for doing business on such premises revoked for a
18 period of six months. The county attorney shall notify all
19 agencies responsible for issuing licenses and permits of any
20 conviction under section 728.2, or 728.3, or 728.5, subsection
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22 EXPLANATION

23 This bill makes allowing a minor to engage in or otherwise
24 perform in a live act in an establishment serving alcoholic
25 beverages, wine, or beer under authority of a liquor control
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31 (section 728.5, subsections 1-4) in an establishment serving
32 alcoholic beverages, wine, or beer under authority of a liquor
33 control license, wine permit, or beer permit, the person
34 allowing or permitting it commits an aggravated misdemeanor.

35 BACKGROUND STATEMENT SUBMITTED BY THE AGENCY

1 This proposal clarifies that the performance of a minor in
2 a live act intended to appeal to the sexual or prurient
3 interest of another in establishments holding a liquor license
4 or beer permit is a serious misdemeanor. The bill further
5 states that it is an aggravated misdemeanor if a minor is
6 allowed to perform an actual or simulated sex act, exposes the
7 genitals or buttocks or female breast or nipple, pubic hair or
8 anus (section 728.5, subsections 1-4). A minor is defined as
9 a person under the age of 18.

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agencies responsible for issuing licenses and permits of any conviction under section 728.2, or 728.3, or 728.5, subsection 2.

SENATE FILE 2287

AN ACT
RELATING TO INDECENT EXPOSURE BY A MINOR IN CERTAIN ESTABLISHMENTS AND PROVIDING A PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 728.5, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 7. If such person allows or permits a minor to engage in or otherwise perform in a live act intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons. However, if such person allows or permits a minor to participate in any act included in subsections 1 through 4, the person shall be guilty of an aggravated misdemeanor.

Sec. 2. Section 728.8, Code 1991, is amended to read as follows:

728.8 SUSPENSION OF LICENSES OR PERMITS.

Any person who knowingly permits a violation of section 728.2, or 728.3, or 728.5, subsection 2, to occur on premises under the person's control shall have all permits and licenses issued to the person under state or local law as a prerequisite for doing business on such premises revoked for a period of six months. The county attorney shall notify all

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARKOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2287, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 7, 1992

TERRY E. BRANSTAD
Governor

SF 2287