

House Amendment 3337

Amendment Text

PAG LIN

1 1 Amend [House File 135](#) as follows:
1 2 #1. Page 1, by inserting after line 5 the
1 3 following:
1 4 "Sec. _____. Section [728.1](#), Code 1995, is amended by
1 5 adding the following new subsection:
1 6 NEW SUBSECTION. 6A. "Place of business" means the
1 7 premises of a business required to obtain a sales tax
1 8 permit pursuant to chapter 422, the premises of a
1 9 nonprofit or not-for-profit organization, and the
1 10 premises of an establishment which is open to the
1 11 public at large or where entrance is limited by a
1 12 cover charge or membership requirement.
1 13 Sec. _____. Section [728.4](#), Code 1995, is amended to
1 14 read as follows:
1 15 728.4 RENTAL OR SALE OF HARD-CORE PORNOGRAPHY.
1 16 A person who knowingly rents, exhibits,
1 17 disseminates, sells, or offers for rental or sale
1 18 material depicting patently offensive representations
1 19 of oral, anal, or vaginal intercourse, actual or
1 20 simulated, involving humans, or depicting patently
1 21 offensive representations of masturbation, excretory
1 22 functions, or bestiality, or lewd exhibition of the
1 23 genitals, which the average adult taking the material
1 24 as a whole in applying statewide contemporary
1 25 community standards would find appeals to the prurient
1 26 interest; and which material, taken as a whole, lacks
1 27 serious literary, scientific, political, or artistic
1 28 value, upon conviction is guilty of an aggravated
1 29 misdemeanor. However, second and subsequent
1 30 violations of this section by a person who has been
1 31 previously convicted of violating this section are
1 32 class "D" felonies. Charges under this section may
1 33 only be brought by a county attorney or by the
1 34 attorney general."
1 35 #2. Page 1, by striking lines 9 through 11 and
1 36 inserting the following:
1 37 "

~~A holder of a liquor license or beer permit or any~~

1 38 Any owner, manager, or person who exercises direct
1 39 control over any

~~licensed premises defined in~~

~~."~~

1 40 #3. Page 2, by inserting after line 22 the
1 41 following:
1 42 "Sec. _____. Section [728.7](#), Code 1995, is amended to
1 43 read as follows:
1 44 728.7 EXEMPTIONS FOR PUBLIC LIBRARIES AND
1 45 EDUCATIONAL INSTITUTIONS.
1 46 Nothing in this chapter prohibits the use of
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~~appropriate~~

~~nonobscene~~ material for educational

1 48 purposes in any accredited school, or any public

1 49 library, or in any educational program in which the
1 50 minor is participating. Nothing in this chapter
2 1 prohibits the attendance of minors at an exhibition or
2 2 display of nonobscene art works or the use of any
2 3 nonobscene materials in any public library."

2 4 #4. Page 3, by inserting after line 4 the
2 5 following:

2 6 "Sec. ____ . Section 809.1, subsection 2, Code 1995,
2 7 is amended by adding the following new paragraph:

2 8 NEW PARAGRAPH. e. Any interest in, security in,
2 9 claim against, or property or contractual right of any
2 10 kind affording a source of influence over, any
2 11 enterprise which a person has established, operated,
2 12 controlled, conducted, or participated in the conduct
2 13 of, in violation of a criminal offense pursuant to
2 14 chapter 728."

2 15 #5. By renumbering as necessary.

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2 19 COMMITTEE ON JUDICIARY

2 20 HURLEY of Fayette, Chairperson

2 21 HF 135.202 76

2 22 ec/jj