

Senate File 2197

S-5170

1 Amend Senate File 2197 as follows:

2 1. Page 1, after line 9 by inserting:

3 <Sec. _____. Section 728.5, Code 2009, is amended to
4 read as follows:

5 **728.5 Public indecent exposure in certain**
6 **establishments.**

7 1. An owner, manager, or person who exercises
8 direct control over a place of business required to
9 obtain a sales tax permit shall be guilty of a serious
10 misdemeanor under any of the following circumstances:

11 ~~1.~~ a. If such person allows or permits the actual
12 or simulated public performance of any sex act upon or
13 in such place of business.

14 ~~2.~~ b. If such person allows or permits the
15 exposure of the genitals or buttocks or female breast
16 of any person who acts as a waiter or waitress.

17 ~~3.~~ c. If such person allows or permits the
18 exposure of the genitals or female breast nipple of any
19 person who acts as an entertainer, whether or not the
20 owner of the place of business in which the activity
21 is performed employs or pays any compensation to such
22 person to perform such activity.

23 ~~4.~~ d. If such person allows or permits any person
24 to remain in or upon the place of business who exposes
25 to public view the person's genitals, pubic hair, or
26 anus.

27 ~~5.~~ e. If such person advertises that any activity
28 prohibited by this section is allowed or permitted in
29 such place of business.

30 ~~6.~~ f. If such person allows or permits a minor to
31 engage in or otherwise perform in a live act intended
32 to arouse or satisfy the sexual desires or appeal to
33 the prurient interests of patrons.

34 2. However, if such person allows or permits a
35 minor to participate in any act included in ~~subsections~~
36 ~~1 through 4~~ subsection 1, paragraphs "a" through
37 "d", the person shall be guilty of an aggravated
38 misdemeanor.

39 3. ~~The~~ Except for subsection 1, paragraph "f",
40 the provisions of this section shall not apply to
41 a theater, concert hall, art center, museum, or
42 similar establishment which is primarily devoted to
43 the arts or theatrical performances and in which any
44 of the circumstances contained in this section were
45 permitted or allowed as part of such art exhibits or
46 performances.>

47 2. Title page, by striking lines 1 through 3 and
48 inserting <An Act relating to the enforcement of
49 criminal law provisions including providing false
50 identification information and public indecent exposure

1 and providing penalties.>
2 3. By renumbering as necessary.

KEITH A. KREIMAN