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SENATE FILE

81

BY FINK

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to admittance of minors to premises which permit  
2 certain nude performances, and providing a penalty.

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

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SF 81  
JUDICIARY

1 Section 1. NEW SECTION. 728.5A ADMITTING MINORS TO  
2 PREMISES WHICH PERMIT CERTAIN NUDE PERFORMANCES OR ACTIVITIES.

3 1. An owner, manager, or person who exercises direct  
4 control over a place of business required to obtain a sales  
5 tax permit commits an aggravated misdemeanor if the person  
6 admits or allows a minor to enter the business premises and  
7 any of the following circumstances apply:

8 a. The person allows or permits the actual or simulated  
9 public performance upon the premises of or in the place of  
10 business of any sex act.

11 b. The person allows or permits the exposure of the  
12 genitals or buttocks or female breast of any person who acts  
13 as a waiter or waitress at the place of business.

14 c. The person allows or permits the exposure of the  
15 genitals or female breast nipple of any person who acts as an  
16 entertainer, whether or not the owner of the place of business  
17 in which the activity is performed employs or pays any  
18 compensation to the person for the performance of the  
19 activity.

20 d. The person allows or permits any person to remain in or  
21 upon the premises of the place of business if the person  
22 exposes to public view the person's genitals, pubic hair, or  
23 anus.

24 e. The person advertises that any of the activities  
25 described in paragraphs "a" through "d" are allowed or  
26 permitted in the place of business.

27 2. This section shall not apply to a theater, concert  
28 hall, art center, museum, or similar establishment which is  
29 primarily devoted to the arts or theatrical performances and  
30 in which any of the circumstances contained in this section  
31 were permitted or allowed as part of an art exhibit or  
32 performance.

33 Sec. 2. Section 728.8, Code 1999, is amended to read as  
34 follows:

35 728.8 SUSPENSION OF LICENSES OR PERMITS.

1 Any person who knowingly permits a violation of section  
2 728.2, 728.3, or 728.5, subsection 6, or 728.5A, to occur on  
3 premises under the person's control shall have all permits and  
4 licenses issued to the person under state or local law as a  
5 prerequisite for doing business on such premises revoked for a  
6 period of six months. The county attorney shall notify all  
7 agencies responsible for issuing licenses and permits of any  
8 conviction under section 728.2, 728.3, or 728.5, subsection 6,  
9 or 728.5A.

10 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
11 3, shall not apply to this Act.

12 EXPLANATION

13 This bill adds new Code section 728.5A, which establishes  
14 an aggravated misdemeanor penalty for persons who allow a  
15 minor to enter business premises required to obtain a sales  
16 tax permit where any of the following occurs: actual or  
17 simulated performance of a sex act; exposure of genitals,  
18 buttocks, or breasts of any waiter or waitress; exposure of  
19 genitals or female breast nipple of any entertainer; exposure  
20 of genitals, pubic hair or anus. The serious misdemeanor  
21 penalty also applies if the person advertises that any such  
22 activities are allowed or permitted on the premises.

23 The bill also amends Code section 728.8 to provide for the  
24 revocation of permits and licenses for violations of Code  
25 section 728.5A.

26 This bill may include a state mandate as defined in Code  
27 section 25B.3. This bill makes inapplicable Code section  
28 25B.2, subsection 3, which would relieve a political  
29 subdivision from complying with a state mandate if funding for  
30 the cost of the state mandate is not provided or specified.  
31 Therefore, political subdivisions are required to comply with  
32 any state mandate included in this bill.

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