

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Boozman

A Bill

SENATE BILL 655

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 5-14-111 TO DESCRIBE ACTS
9 WHICH CONSTITUTE PUBLIC SEXUAL INDECENCY; TO REPEAL
10 ARKANSAS CODE 5-14-112; AND FOR OTHER PURPOSES."

Subtitle

13 "TO AMEND ARKANSAS CODE 5-14-111 TO
14 DESCRIBE ACTS WHICH CONSTITUTE PUBLIC
15 SEXUAL INDECENCY; TO REPEAL ARKANSAS
16 CODE 5-14-112."

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20 SECTION 1. Arkansas Code 5-14-111 is amended to read as follows:

21 "5-14-111. Public sexual indecency.

22 (a) A person commits public sexual indecency if he knowingly and
23 intentionally, engages in any of the following acts in a public place or
24 public view:

25 (1) engages in actual or simulated sexual
26 intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation,
27 excretory functions or other ultimate sex acts;

28 (2) appears in a state of nudity; or

29 (3) fondles the genitals of himself, herself, or another person.

30 (b) Public sexual indecency is a Class A misdemeanor.

31 (c) Definitions.

32 (1) Nudity means the showing, in a public place, of the human
33 male or female genitals, pubic area, anus or buttocks, the showing of the
34 female breast below the top of the areola, or the showing of the covered male
35 genitals in a discernibly turgid state. *A mother in the act of nursing her*

1 *baby shall not be included within this definition.*

2 (2) *_Public Place_ means any location frequented by the public,*
3 *of where the public is present or likely to be present, or where a person may*
4 *reasonably be expected to be observed by members of the public. Public*
5 *places include, but are not limited to, streets, sidewalks, parks, beaches,*
6 *business and commercial establishments (whether for profit or not-for-profit*
7 *and whether open to the public at large or where entrance is limited by a*
8 *cover charge or membership requirement), bottle clubs, hotels, motels,*
9 *restaurants, night clubs, country clubs, cabarets and meeting facilities*
10 *utilized by any religious, social, fraternal or similar organizations.*
11 *Premises used solely as a private residence whether permanent or temporary in*
12 *nature shall not be deemed a public place. Public place shall not include*
13 *enclosed motel rooms and hotel rooms designed and intended for sleeping*
14 *accommodations, doctor_s offices, portions of hospitals and similar places in*
15 *which nudity or exposure is necessarily and customarily expected outside of*
16 *the home and the sphere of privacy constitutionally protected therein; nor*
17 *shall it include a person appearing in a state of nudity in a modeling class*
18 *operated by: (1) a proprietary school, licensed by the State; a college,*
19 *junior college, or university supported entirely or partly by taxation; or*
20 *(2) a private college or university which maintains and operates educational*
21 *programs in which credits are transferable to a college, junior college, or*
22 *university supported entirely or partly by taxation or an accredited private*
23 *college.*

24 (3) *'Public Place' shall not include enclosed single sex public*
25 *restrooms, enclosed single sex functional showers and locker and/or dressing*
26 *room facilities for purposes of applying the provisions of subsection (a)(2).*

27 (d) *The provisions of this act shall not apply to any theatrical*
28 *production which contains nudity as defined by this act performed in a*
29 *theater by a professional or amateur theatrical or musical company which has*
30 *serious artistic merit; provided such production is not in violation of*
31 *sections (a)(1) or (a)(3) above.*

32 (e) *This act shall not affect in any fashion the ability of the state*
33 *of Arkansas through the Alcoholic Beverage Control Board to regulate any*
34 *activity where alcoholic beverages are sold for consumption."*

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1 SECTION 2. Arkansas Code 5-14-112 is repealed.

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3 SECTION 3. All provisions of this act of a general and permanent
4 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
5 Code Revision Commission shall incorporate the same in the Code.

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7 SECTION 4. If any provision of this act or the application thereof to
8 any person or circumstance is held invalid, such invalidity shall not affect
9 other provisions or applications of the act which can be given effect without
10 the invalid provision or application, and to this end the provisions of this
11 act are declared to be severable.

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13 SECTION 5. All laws and parts of laws in conflict with this act are
14 hereby repealed.

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16 */s/Boozman*

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