

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: H3/26/99*

# A Bill

HOUSE BILL 2189

5 By: Representatives Duggar, Parks  
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## For An Act To Be Entitled

9 "AN ACT PROHIBITING CERTAIN ACTS RELATED TO NUDE DANCE  
10 PERFORMANCES BY PERSONS LESS THAN TWENTY-ONE (21)  
11 YEARS OF AGE AND EMPLOYERS OF SUCH PERSONS; AND FOR  
12 OTHER PURPOSES. "  
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### Subtitle

14 "TO PROHIBIT CERTAIN ACTS RELATED TO NUDE  
15 DANCE PERFORMANCES BY PERSONS LESS THAN  
16 21 YEARS OF AGE AND EMPLOYERS OF SUCH  
17 PERSONS. "  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. (a) It is unlawful for any person less than twenty-one (21)  
24 years of age to perform any dance, striptease or other performing act harmful  
25 to youth which involves nudity or sexual conduct, as defined here, in public  
26 or for-hire.

27 (b) It is unlawful for any person to employ or allow a person less than  
28 twenty-one (21) years of age to perform the acts specified in subsection (a)  
29 of this section.

30 (c) For purposes of this section:

31 (1) "Harmful to youth" means any dancing, stripteasing or other  
32 performing act describing, exhibiting, presenting or representing, in whatever  
33 form, nudity or sexual conduct when the performance, taken as a whole, has the  
34 following characteristics:

35 (A) the average person twenty-one (21) years of age or  
36 older applying contemporary community standards would find that the

1 performance has a predominant tendency to appeal to a prurient interest in  
2 sex; and

3 (B) the average person twenty-one (21) years of age or  
4 older applying contemporary community standards would find that the  
5 performance depicts or describes nudity or sexual conduct in a manner that is  
6 patently offensive to prevailing standards in the community of such persons;  
7 and

8 (C) the performance lacks serious literary, scientific,  
9 medical, artistic, or political value.

10 (2) "Nudity" means the:

11 (A) showing of the human male or female genitals, pubic  
12 area, or buttocks with less than a full opaque covering;

13 (B) showing of the female breast with less than a full  
14 opaque covering of any portion of the female breast below the top of the  
15 nipple; or

16 (C) depiction of covered male genitals in a discernibly  
17 turgid state; and

18 (3) "Sexual conduct" means acts of masturbation, homosexuality,  
19 sexual intercourse, or physical contact with a person's clothed or unclothed  
20 genitals, pubic area, buttocks, or, if the person be a female, breast.

21 (d) Any person convicted of violating subsection (a) or (b) of this  
22 section shall be guilty of:

23 (1) A misdemeanor, upon a first offense, punishable by the  
24 imposition of a fine not to exceed one hundred dollars (\$100), or by  
25 imprisonment in the county jail not to exceed thirty (30) days, or both; or

26 (2) A misdemeanor, upon a second offense, punishable by the  
27 imposition of a fine not to exceed five hundred dollars (\$500), or by  
28 imprisonment in the county jail not to exceed six (6) months, or both; or

29 (3) A felony, upon a third or subsequent offense, punishable by  
30 the imposition of a fine not to exceed one thousand dollars (\$1,000), or by  
31 imprisonment in the state penitentiary not to exceed five (5) years, or by  
32 both fine and imprisonment.

33 (e) A violation of the provisions of this section shall not be a basis  
34 for instituting juvenile proceedings to determine if a person under eighteen  
35 (18) years of age is a delinquent child; however, if a person under eighteen  
36 (18) years of age violates the provisions of this section on two (2) or more

1 occasions, juvenile proceedings may be brought to determine if the person is a  
2 delinquent child. A person under eighteen (18) years of age who has been  
3 convicted of violating the provisions of this section shall be subject to the  
4 penalty provisions provided in this section.

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6 SECTION 2. All provisions of this act of a general and permanent nature  
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
8 Revision Commission shall incorporate the same in the Code.

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10 SECTION 3. If any provision of this act or the application thereof to  
11 any person or circumstance is held invalid, such invalidity shall not affect  
12 other provisions or applications of the act which can be given effect without  
13 the invalid provision or application, and to this end the provisions of this  
14 act are declared to be severable.

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16 SECTION 4. All laws and parts of laws in conflict with this act are  
17 hereby repealed.

18 */s/ Duggar, et al*

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