

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 2453

4
5 By: Representatives Duggar, Holt
6
7

For An Act To Be Entitled

9 AN ACT PROHIBITING CERTAIN ACTS RELATED TO NUDE
10 DANCE PERFORMANCES BY PERSONS LESS THAN TWENTY-
11 ONE (21) YEARS OF AGE AND EMPLOYERS OF THE
12 PERSONS; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT PROHIBITING CERTAIN ACTS RELATED
15 TO NUDE DANCE PERFORMANCES BY PERSONS
16 LESS THAN TWENTY-ONE (21) YEARS OF AGE
17 AND EMPLOYERS OF THE PERSONS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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SECTION 1. Definitions.

23 For purposes of this act:

24 (1) "Harmful to youth" means any dancing, stripteasing or other
25 performing act describing, exhibiting, presenting or representing, in
26 whatever
27 form, nudity or sexual conduct when the performance, taken as a whole, has
28 the
29 following characteristics:
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31 (A) The average person twenty-one (21) years of age or
32 older applying contemporary community standards would find that the
33 performance has a predominant tendency to appeal to a prurient interest in
34 sex;

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

1 performance depicts or describes nudity or sexual conduct in a manner that is
2 patently offensive to prevailing standards in the community;
3 and

4 (C) The performance lacks serious literary, scientific,
5 medical, artistic, or political value;

6 (2) "Nudity" means the:

7 (A) Showing of the human male or female genitals, pubic
8 area, or buttocks with less than a full opaque covering;

9 (B) Showing of the female breast with less than a full
10 opaque covering of any portion of the female breast below the top of the
11 areola; or

12 (C) Depiction of covered male genitals in a discernibly
13 turgid state; and

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

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18 SECTION 2. Prohibition.

19 (a) It is unlawful for any person less than twenty-one (21)
20 years of age to perform any dance, striptease, or other performing act
21 harmful
22 to youth which involves nudity or sexual conduct, in public or for-hire.

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

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28 SECTION 3. Penalties.

29 Any person convicted of violating this act shall be guilty of:

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

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

36 (3) A felony, upon a third or subsequent offense, punishable by

1 the imposition of a fine not to exceed one thousand dollars (\$1,000), or by
2 imprisonment in the state penitentiary not to exceed five (5) years, or by
3 both fine and imprisonment.

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5 SECTION 4. Juveniles.

6 (a)(1) A violation of this act shall not be a basis for instituting
7 juvenile proceedings to determine if a person under eighteen (18) years of
8 age is a delinquent child;

9 (2) However, if a person under eighteen (18) years of age
10 violates this act on two (2) or more occasions, juvenile proceedings may be
11 brought to determine if the person is a delinquent child.

12 (b) A person under eighteen (18) years of age who has been adjudicated
13 as an adult and convicted of violating this act may be subject to the penalty
14 provisions provided in this act.

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