

ENGROSSED HOUSE
BILL NO. 1789

By: Smith (Hopper), Boyd
(Betty) and Coleman

(crimes and punishments - prohibiting certain acts -
juvenile proceedings - codification - emergency)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1021.1a of Title 21, unless there is created a duplication in numbering, reads as follows:

A. It is unlawful for any person less than twenty-one (21) years of age to perform any dance, striptease or other act harmful to youth involving nudity or sexual conduct, as defined in this section, in public or for-hire.

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

C. For purposes of this section:

1. "Harmful to youth" means any dancing, stripteasing or other act describing, exhibiting, presenting or representing, in whatever form, nudity or sexual conduct when such performance, taken as a whole, has the following characteristics:

- a. the average person twenty-one (21) years of age or older applying contemporary community standards would find that the performance has a predominant tendency to appeal to a prurient interest in sex, and

- b. the average person twenty-one (21) years of age or older applying contemporary community standards would find that the performance depicts or describes nudity or sexual conduct in a manner that is patently offensive to prevailing standards in the community of such persons, and
- c. the performance lacks serious literary, scientific, medical, artistic, or political value;

2. "Nudity" means the:

- a. showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering,
- b. showing of the female breast with less than a full opaque covering of any portion of the female breast below the top of the nipple, or
- c. depiction of covered male genitals in a discernibly turgid state; and

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

D. Any person convicted of violating subsection A or B of this section shall be guilty of:

1. A misdemeanor, upon a first offense, punishable by the imposition of a fine not to exceed One Hundred Dollars (\$100.00), or by imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment; or

2. A misdemeanor, upon a second offense, punishable by the imposition of a fine not to exceed Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment; or

3. A felony, upon a third or subsequent offense, punishable by the imposition of a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary not to exceed five (5) years, or by both such fine and imprisonment.

E. A violation of the provisions of this section shall not be a basis for instituting juvenile proceedings to determine if a person under eighteen (18) years of age is a delinquent child; however, if a person under eighteen (18) years of age habitually violates the provisions of this section, juvenile proceedings may be brought to determine if the person is a delinquent child. A person under eighteen (18) years of age who has been convicted of violating the provisions of this section shall be subject to the penalty provisions provided in this section.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 4th day of March, 1997.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1997.

President of the Senate