

Senate Engrossed

adult cabaret performances; prohibited locations

**State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023**

SENATE BILL 1028

AN ACT

AMENDING TITLE 13, CHAPTER 14, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1422.01; RELATING TO SEXUAL OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 13, chapter 14, Arizona Revised Statutes, is amended by adding section 13-1422.01, to read:

13-1422.01. Adult cabaret performances; location; classification; definitions

A. A PERSON OR BUSINESS MAY NOT ENGAGE IN AN ADULT CABARET PERFORMANCE IN EITHER OF THE FOLLOWING LOCATIONS:

1. ON PUBLIC PROPERTY.

2. IN A LOCATION WHERE THE PERSON KNOWS OR HAS REASON TO KNOW THAT THE ADULT CABARET PERFORMANCE COULD BE VIEWED BY A MINOR.

B. THIS SECTION DOES NOT PROHIBIT A COUNTY OR MUNICIPALITY FROM ENACTING AND ENFORCING ORDINANCES THAT REGULATE THE LOCATION OF ADULT CABARET PERFORMANCES IN A MANNER THAT IS AT LEAST AS RESTRICTIVE AS THIS SECTION.

C. A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR, EXCEPT THAT A SECOND OR SUBSEQUENT VIOLATION IS A CLASS 6 FELONY.

D. FOR THE PURPOSES OF THIS SECTION:

1. "ADULT CABARET" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-1422.

2. "ADULT CABARET PERFORMANCE" MEANS A SEXUALLY EXPLICIT PERFORMANCE IN A LOCATION OTHER THAN AN ADULT CABARET, REGARDLESS OF WHETHER OR NOT THE PERFORMANCE IS FOR CONSIDERATION.

3. "SEXUALLY EXPLICIT" MEANS AN INTENTION TO AROUSE OR SATISFY THE SEXUAL DESIRES OR APPEAL TO THE PRURIENT INTEREST.