



SENATE BILL 579: Prevent Harm to Children.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2023-2024 General Assembly

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| Committee: | House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House | Date: | June 28, 2023 |
| Introduced by: | Sens. B. Newton, Britt, Daniel | Prepared by: | Susan Sitze |
| Analysis of: | PCS to First Edition S579-CSSA-31 | | Staff Attorney |

OVERVIEW: *The Proposed Committee Substitute (PCS) for Senate Bill 579 would do the following:*

- *Increase the felony classification of intentionally disseminating obscenity when it is knowingly done in the presence of a person under 18 years of age.*
- *Create new offenses for engaging in adult live entertainment on public property, in the presence of a person under 18, or expending public funds for adult live entertainment.*
- *Create a new offense of sexual contact with a minor.*

CURRENT LAW AND BILL ANALYSIS:

Section 1

G.S. 14-190.1 makes it unlawful for any person, firm, or corporation to intentionally disseminate obscenity. Material is considered obscene if all the following apply:

- The material depicts or describes in a patently offensive way sexual conduct.
- The material is that which the average person applying contemporary community standards relating to the depiction or description of sexual matters would find that taken as a whole appeals to the prurient interest in sex.
- The material lacks serious literary, artistic, political, or scientific value.
- The material is not considered protected or privileged under the U.S. Constitution or the NC Constitution.

Currently, a violation of G.S. 14-190.1 is a Class I felony.

Section 1 of the PCS would make it a Class H felony for any person, firm, or corporation to intentionally disseminate obscenity knowingly in the presence of an individual under 18 years of age.

Section 2

G.S. 14-202.10 defines "Adult live entertainment" as any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas.

"Specified anatomical areas" include the following:

- Less than completely and opaquely covered: (i) human genitals, pubic region, (ii) buttock, or (iii) female breast below a point immediately above the top of the areola.
- Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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Senate 579 PCS

Page 2

"Specified sexual activities" include the following:

- Human genitals in a state of sexual stimulation or arousal.
- Acts of human masturbation, sexual intercourse, or sodomy.
- Fondling or other erotic touchings of human genitals, pubic regions, buttocks, or female breasts.

Section 2 would enact G.S. 14-290.15A creating criminal offenses for violating restrictions on adult live entertainment.

The statute would prohibit the following:

- Engaging in adult live entertainment on public property.
- Engaging in adult live entertainment in the presence of an individual under the age of 18.
- Expending public funds in any of the following ways:
 - To adult live entertainment performers.
 - For an event at which adult live entertainment is performed.
 - To promote adult live entertainment or an event at which adult live entertainment will be performed.

Violation of these prohibitions would be a Class A1 misdemeanor for a first offense, and a Class I felony for a second or subsequent offense.

Section 3

Section 3 would create a new Class A1 misdemeanor for sexual contact with a minor by a person 18 years of age or older.

Sexual contact would include any of the following intentional touching if the intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner:

- Intentional touching of a person's intimate parts or the intentional touching of the clothing covering the person's intimate parts.
- Intentional touching of another person with a person's own intimate parts, whether or not those intimate parts are clothed.

Intimate parts include a person's sexual organ, anus, breast, groin, or buttocks.

EFFECTIVE DATE: The act would become effective December 1, 2023, and apply to offenses committed on or after that date.

**Anna Parsons and Robert Ryan, Staff Attorneys, substantially contributed to this summary.*