



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1698

unlawful exposure; minors; sentencing; reporting

Purpose

Establishes the offense of *unlawful exposure to an adult oriented performance or business* and classifies a violation as a class 4 felony.

Background

An *adult oriented business* means adult arcades, adult bookstores or video stores, cabarets, adult live entertainment establishments, adult motion picture theaters, adult theaters, massage establishments that offer adult service or nude model studios ([A.R.S. § 11-811](#)).

The Department of Public Safety (DPS) must establish and maintain an internet sex offender website for the purpose of providing sex offender information to the public. The internet sex offender website must include any offender whose risk assessment has been determined to be a level two or level three, or any person assessed to be a level one offender and who has been convicted of the following offenses: 1) sexual assault; 2) sexual exploitation of a minor if the offender is at least 21 years old and is sentenced for a dangerous crime against children (DCAC); 3) commercial sexual exploitation of a minor; 4) sexual abuse if the victim is under 12 years old; 5) molestation of a child if the victim is under 12 years old; 6) sexual conduct with a minor if the victim is under 12 years old; 7) child prostitution if committed on or before August 9, 2017; 8) child sex trafficking as specified; 9) taking a child for the purpose of prostitution if the victim is under 12 years old; 10) luring a minor for sexual exploitation if the victim is under 12 years old; 11) aggravated luring of a minor for sexual exploitation if the victim is under 12 years old; and 12) continuous sexual abuse of a child if the victim is under 12 years old ([A.R.S. § 13-3827](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. States that a person commits *unlawful exposure to an adult oriented performance or adult oriented business* by knowingly:
 - a) allowing a minor under the person's custody or control to view an adult oriented performance or enter an adult oriented business;
 - b) allowing a minor to enter or remain in an adult oriented business or a building or part of a building where an adult oriented performance is occurring; or
 - c) performing or allowing another person, if the other person is under control or custody of the person allowing the performance, to perform an adult oriented performance in view of a minor.

2. Classifies *unlawful exposure to an adult oriented performance or adult oriented business* as a class 4 felony, punishable as a DCAC if the minor is under 15 years old.
3. Adds *unlawful exposure to an adult oriented performance or adult oriented business* to the definition of DCAC, carrying a presumptive imprisonment sentence of 10 years.
4. Requires a person convicted of or adjudicated guilty except insane for *unlawful exposure to an adult oriented performance or adult oriented business* to register as a sex offender.
5. Requires any person who reasonably believes that a minor is or has been the victim of *unlawful exposure to an adult oriented performance or adult oriented business* to immediately report or cause reports to be made to a peace officer, the Department of Child Safety or other appropriate entity.
6. Defines *adult oriented performance* as an in-person show or performance, with or without consideration, that includes any of the following:
 - a) a person who appears in a state of nudity or seminude;
 - b) a person whose performance is characterized by the exposure of specific anatomical areas or specific sexual activities; or
 - c) a performance that is harmful to minors.
7. Prescribes the same definitions to *adult oriented business* and *harmful to minors* as provided in statute.
8. Modifies the definition of *adult oriented business* to include establishments that conduct or host sexually explicit performances.
9. Defines *sexually explicit* as intending to arouse or satisfy the sexual desires or to appeal to the prurient interest.
10. Modifies the definition of *child abuse* and *child neglect* to include *unlawful exposure to an adult oriented performance or adult oriented business*.
11. Makes technical and conforming changes.
12. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Removes the definition of *drag show*.
2. Modifies the definition of *adult oriented business* to include establishments that conduct or host sexually explicit performances, rather than drag shows or establishments that conduct drag shows.
3. Adds a definition of *sexually explicit*, which means an intention to arouse or satisfy the sexual desires or to appeal to the prurient interest.

4. Modifies the definition of *adult oriented performance* to specify that the show or performance is in-person.
5. Specifies that a person commits *unlawful exposure to an adult oriented performance or adult oriented business* if the offender allows another person, if the other person is under custody or control of the offender, to perform an adult oriented performance in view of a minor, rather than if a minor is present.

Senate Action

JUD 2/16/23 DP 3-1-3

Prepared by Senate Research

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ZD/sr