

SENATE BILL 263

Introduced by Hofman, S., et al.

1/27	Introduced
1/27	Referred to Business & Industry
1/28	Rereferred to Judiciary
2/09	Hearing
2/15	Committee Report--Bill Passed as Amended
2/17	2nd Reading Passed
2/20	3rd Reading Passed

Transmitted to House

2/21	Referred to Judiciary
3/21	Hearing
3/23	Tabled in Committee

1 *Senate* BILL NO. *263*  
 2 INTRODUCED BY *Wendell Keller, Rep. Rogers, Sen. Hartzel, Sen. Nelson, Sen. Williams, Sen. Hartzel*  
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT CERTAIN

5 SEXUAL CONDUCT ON A PREMISES LICENSED TO SELL OR DISPENSE  
 6 ALCOHOLIC BEVERAGES FOR CONSUMPTION; AND PROVIDING FOR  
 7 SUSPENSION OR REVOCATION OF A LICENSE; AND PROVIDING A  
 8 PENALTY."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. Section 1. Definitions. As used in [this  
 12 act], the following definitions apply:

13 (1) "Department" means the department of revenue as  
 14 provided in 2-15-1301.

15 (2) "Licensed premises" means any premises where  
 16 alcoholic beverages are sold or dispensed for consumption on  
 17 the premises and includes any premises that is required by  
 18 law to be licensed to sell or dispense alcoholic beverages  
 19 for consumption on the premises.

20 (3) "Operator" means the owner, license holder,  
 21 manager, or person in charge of a licensed premises.

22 NEW SECTION. Section 2. Performance of actual or  
 23 simulated sexual acts, touching of certain areas of the  
 24 body, or nudity on licensed premises -- use of artificial  
 25 devices or inanimate objects. (1) A person may not perform

1 on a licensed premises acts that constitute or simulate:

2 (a) sexual intercourse, masturbation, sodomy,  
 3 bestiality, oral copulation, flagellation, or any sexual  
 4 acts that are prohibited by law;

5 (b) the touching, caressing, or fondling of the  
 6 breast, buttocks, anus, or genitals; or

7 (c) the displaying of any portion of the female breast  
 8 below the top of the areola or the displaying of any portion  
 9 of a person's pubic hair, anus, cleft of the buttocks,  
 10 vulva, or genitals.

11 (2) A person may not use, on a licensed premises,  
 12 artificial devices or inanimate objects to perform,  
 13 simulate, or depict any of the prohibited conduct or  
 14 activities described in subsection (1).

15 NEW SECTION. Section 3. Display of visual images of  
 16 sexual acts or nudity. It is illegal for a person to show,  
 17 display, or exhibit, on a licensed premises, any film, still  
 18 picture, electronic reproduction, or any other visual  
 19 reproduction or image of any act or conduct described in  
 20 [section 2].

21 NEW SECTION. Section 4. Viewing sexually related acts  
 22 or conduct performed on other premises -- removal of  
 23 alcoholic beverages -- exception. (1) An operator may not  
 24 knowingly permit a person:

25 (a) on a licensed premises to view from the licensed

1 premises, by glass partition or other artifice, an act or  
2 conduct described in [section 2] and performed on a premises  
3 other than the licensed premises; or

4 (b) to remove any alcoholic beverage sold or dispensed  
5 on the licensed premises to adjacent or other premises for  
6 the purpose of viewing any conduct or activity prohibited on  
7 the licensed premises by [this act].

8 (2) Subsection (1)(b) does not apply to a person who  
9 removes an alcoholic beverage to his home or place of  
10 residence.

11 NEW SECTION. Section 5. ~~Employment~~ of or assistance  
12 to persons engaged in sexually related conduct, activity, or  
13 nudity. An operator may not employ, encourage, permit, or  
14 assist any person to engage in any conduct or activity in  
15 violation of [this act].

16 NEW SECTION. Section 6. Suspension and revocation of  
17 alcoholic beverage license -- penalty. (1) Violation of  
18 [this act] by an operator of a licensed premises constitutes  
19 grounds for the suspension or revocation of his alcoholic  
20 beverage license by the department.

21 (2) A person who violates [this act] is guilty of a  
22 misdemeanor and may be punished by a fine of not less than  
23 \$500 or more than \$1,000, by imprisonment for not more than  
24 6 months, or both.

-End-

APPROVED BY COMM. ON  
BUSINESS & INDUSTRY

SENATE BILL NO. 263

INTRODUCED BY HOFMAN, RASMUSSEN, SPRING, KEATING,  
WESTLAKE, KELLER, GAGE, KNAPP, HARDING, LEE, WALLIN,  
HARP, NATHE, GUTHRIE, HOFFMAN, T. NELSON, RICE

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body, or nudity on licensed premises -- use of artificial  
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(b) the touching, caressing, or fondling of the  
breast, buttocks, anus, or genitals; or

(c) the displaying of any portion of the female breast  
below the top of the areola or the displaying of any portion  
of a person's pubic hair, anus, cleft of the buttocks,  
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(2) A person may not use, on a licensed premises,  
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reproduction or image of any act or conduct described in  
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NEW SECTION. **Section 4.** Viewing sexually related acts  
or conduct performed on other premises -- removal of  
alcoholic beverages -- exception. (1) An operator may not

1 knowingly permit a person:

2       ~~{a}~~ on a licensed premises to view from the licensed  
3 premises, by glass partition or other artifice, an act or  
4 conduct described in [section 2] and performed on a premises  
5 other than the licensed premises;~~or~~

6       ~~{b}--to-remove-any-alcoholic-beverage-sold-or-dispensed~~  
7 ~~on-the-licensed-premises-to-adjacent-or-other--premises--for~~  
8 ~~the-purpose-of-viewing-any-conduct-or-activity-prohibited-on~~  
9 ~~the-licensed-premises-by-{this-act};~~

10       ~~{2}--Subsection--{1}{b}--does-not-apply-to-a-person-who~~  
11 ~~removes-an-alcoholic--beverage--to--his--home--or--place--of~~  
12 ~~residence.~~

13       **NEW SECTION. Section 5. Employment of or assistance**  
14 **to persons engaged in sexually related conduct, activity, or**  
15 **nudity. An operator may not employ, encourage, permit, or**  
16 **assist any person to engage in any conduct or activity in**  
17 **violation of [this act].**

18       **NEW SECTION. Section 6. Suspension and revocation of**  
19 **alcoholic beverage license -- penalty. (1) Violation of**  
20 **[this act] by an operator of a licensed premises constitutes**  
21 **grounds for the suspension or revocation of his alcoholic**  
22 **beverage license by the department.**

23       **(2) A person who violates [this act] is guilty of a**  
24 **misdemeanor and may be punished by a fine of-not--less--than**  
25 **NOT TO EXCEED \$500 or more-than-\$17000; by imprisonment for**

1       **A TERM not more-than TO EXCEED 6 months, or both.**

-End-

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6       (b) ~~to remove any alcoholic beverage sold or dispensed~~  
7 ~~on the licensed premises to adjacent or other premises for~~  
8 ~~the purpose of viewing any conduct or activity prohibited on~~  
9 ~~the licensed premises by this act;~~

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