

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 253

By Senators Azinger and Karnes

[Introduced January 17, 2023; referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §61-8A-2a, relating to making it a criminal offense for a person to engage in a
 3 an adult cabaret performance where it may be viewed by a minor.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 8A. PREPARATION, DISTRIBUTION OR EXHIBITION OF OBSCENE
 MATERIAL TO MINORS.**

**Section 61-8A-2a. Prohibiting presence of minors at adult-oriented performances;
 penalties.**

1 It is a criminal offense for a person to engage in an adult cabaret performance:
 2 On public property; or
 3 In a location where the adult cabaret performance could be viewed by a person who is a
 4 minor.

5 Notwithstanding any other provision of West Virginia law, this section expressly preempts
 6 an ordinance, regulation, restriction, or license that was lawfully adopted or issued by a political
 7 subdivision prior to the effective date of this code section.

8 "Adult cabaret performance" means a performance in a location other than an adult
 9 cabaret that features topless dancers, go-go dancers, exotic dancers, strippers, male or female
 10 impersonators who provide entertainment that appeals to the prurient interest, or similar
 11 entertainers, regardless of whether or not performed for consideration.

12 A first offense for a violation of this section is a misdemeanor, and a second or subsequent
 13 such offense is a felony.

14 A person convicted of a felony under this section shall be fined not more than \$25,000 or
 15 confined in a state correctional facility for not more than five years, or both.

NOTE: The purpose of this bill is to make it a criminal offense for a person to engage in an adult cabaret performance where it may be viewed by a minor

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.