

HOUSE BILL No. 1669

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4-24; IC 35-52-24.

Synopsis: Adult oriented performances. Defines "adult oriented performance". Provides that a governmental entity may not organize or host an adult oriented performance or fund an adult oriented performance using public funds. Requires an adult oriented performance operator to check identification at the entrance to an adult oriented performance to prevent a minor from attending. Allows the attorney general to issue civil investigative demands or bring an action if certain measures are not taken to prevent a minor from attending the adult oriented performance. Establishes a criminal penalty if an individual knowingly and intentionally does the following: (1) Engages or participates in an adult orientated performance on public property or with public funds. (2) Fails to prevent a minor from attending an adult oriented performance.

Effective: July 1, 2025.

Borders, Davis

January 21, 2025, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1669

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 24-4-24 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

Chapter 24. Adult Oriented Performance

Sec. 1. As used in this chapter, "adult oriented performance" means a live, in person show, exhibition, or other presentation that:

(1) displays:

(A) nudity;

(B) sexual conduct;

(C) sexual excitement;

(D) sado-masochistic abuse; or

(E) purposeful exposure, whether complete or partial, of a specific anatomical area, including:

(i) genitalia;

(ii) breasts;

(iii) prosthetic genitalia; or

(iv) prosthetic breasts;



(2) appeals to the prurient interest in sex; and

(3) considered as a whole:

(A) is patently offensive to prevailing standards in the adult community; and

(B) lacks serious literary, artistic, political, or scientific value for minors.

Sec. 2. As used in this chapter, an "adult oriented performance operator" includes any private individual, private entity, nonprofit organization, unincorporated association, or governmental entity that has an ownership or contractual interest in the:

(1) real property where an adult oriented performance is performed; or

(2) organization of an adult oriented performance.

Sec. 3. As used in this chapter, a "governmental entity" includes:

(1) the state, a county, a township, a city, a town, or a separate municipal corporation; or

(2) any authority, board, bureau, commission, committee, department, or division of an entity described in subdivision (1).

Sec. 4. As used in this chapter, "minor" means an individual who is less than eighteen (18) years of age.

Sec. 5. As used in this chapter, "public funds" means all fees, payments, tax receipts, and funds of whatever kind or character belonging to, held by, or passed through the state, a state agency, or a political subdivision.

Sec. 6. As used in this chapter, "public property" means real property in which the state, a state agency, or a political subdivision has:

(1) an ownership interest; or

(2) a contractual interest.

Sec. 7. A governmental entity may not knowingly or intentionally:

(1) organize or host an adult oriented performance; or

(2) fund, in whole or part, an adult oriented performance with public funds.

Sec. 8. (a) A minor may not attend an adult oriented performance.

(b) An adult oriented performance operator shall check identification at the entrance of an adult oriented performance to prevent a minor from attending an adult oriented performance.

Sec. 9. When the attorney general has reasonable cause to



believe that any person has engaged in, is engaging in, or is about to engage in a violation of this chapter, the attorney general is empowered to issue civil investigative demands under IC 4-6-3-3 to investigate the suspected violation.

Sec. 10. The attorney general may bring an action against an adult oriented performance operator that violates this chapter to obtain any of the following:

(1) Injunctive or other appropriate equitable relief, including disgorgement of any gains derived from the violation.

(2) A civil penalty of not more than the following:

(A) One thousand dollars (\$1,000) for the first violation.

(B) Ten thousand dollars (\$10,000) for each subsequent violation.

(3) The attorney general's reasonable costs of bringing the action, including attorney's fees and expert fees.

Sec. 11. (a) An individual who knowingly or intentionally engages in or participates in an adult oriented performance on public property or with public funds in violation of section 7 of this chapter commits a Class A misdemeanor.

(b) An offense described in subsection (a) is a Level 6 felony if the person has a prior unrelated conviction under this section.

Sec. 12. (a) An individual who knowingly and intentionally operates an adult oriented performance in violation of section 8 of this chapter commits a Class A misdemeanor.

(b) An offense described under subsection (a) is a Level 6 felony if the person has a prior unrelated conviction under this section.

SECTION 2. IC 35-52-24-20.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 20.5. IC 24-4-24-11** defines a crime concerning adult oriented performances.

SECTION 3. IC 35-52-24-20.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 20.7. IC 24-4-24-12** defines a crime concerning adult oriented performances.

