Reference No: CB-81-1991

AGENDA ITEM SUMMARY

Draft No: 3

Prince George's Meeting Date: 11/19/91

County Council Requester: M

Item Title: An Act for the purpose of prohibiting

indecency and nudity in public places and

providing penalties for violations

Sponsors M

Date Presented 9/10/91 Executive Action 12/2/91 S

Committee Referral(1) 9/10/91 FP&GO Effective Date 1/17/92

Committee Action (1) 10/15/91 FAV(A)

Date Introduced 10/29/91

Pub. Hearing Date (1) 11/19/91 1:30 PM

(1) 11/19/91 Enacted Council Action

Council Votes CA: N_, B_: A_, C_: A_, D_: N_, F_: A_, MC: N_,

M_: A_, P_: A_, WI: A_, __: __, __: __, __: __

Pass/Fail

Remarks

Ralph E. Grutzmacher Resource Personnel:

Drafter: Legislative Officer

LEGISLATIVE HISTORY

Fiscal Policy and Government Operations Date: October 15, 1991 Committee Report

Committee Vote: Favorable as amended, 6-2 (In favor: Council Members

Wineland, Bell, Casula, Fletcher, Mills and Pemberton; Opposed: Council Members Del Giudice and MacKinnon)

Draft 2 was substituted for Draft 1 by an 8-0 vote.

Nicholas Simonetta, owner of the Hangar Club since 1970 described the procedures used by the dancers in his club. He stated that the regulations established by the Liquor Board prevents nudity and indecent acts from occurring in his establishment. He asked the Council how they will control a private club that is being built across from his club, which does not have a liquor license? Also, how can the County regulate the bringing in of alcoholic beverages to a

private establishment? Will this establishment be paying admission and amusement tax to the County?

The Barnaby Manor Citizens Association submitted a letter supporting

this bill.

Stephen B. Wehrenberg, Human Resource Consultant, submitted a letter strongly urging the Council Members to oppose this bill because the language is "too loose."

The Rev. Fr. William McClean, Jr., Rector of St. George's Church submitted a letter of support for this legislation. He asked the Council "Will you not make a stand also on behalf of our county's children and be bold enough to stand up and be counted and say along with us that 'enough is enough'?"

The Legislative Officer has reviewed this legislation and finds it to be in proper legislative form.

Any revenue from fines and/or penalties created by this legislation will result in positive fiscal impact. Accordingly, there is no reliable data from which to estimate the positive fiscal impact on the County as a result of adopting CB-81-1991.

BACKGROUND INFORMATION/FISCAL IMPACT (Includes reason for proposal, as well as any unique statutory requirements)

Existing State law does not define prohibited public indecency or public nudity. The proposed bill would define prohibited nudity and prohibit certain public conduct and exposure. The proposed language is nearly identical to the Indiana indecent exposure statute upheld by the Supreme Court in Barnes v. Glen Theatre, Inc., 111 S. Ct. 2456 (1991).