

# SENATE BILL No. 1296

May 30, 2000, Introduced by Senators SHUGARS, MC COTTER, SIKKEMA, BULLARD, NORTH, EMMONS, GOUGEON, MC MANUS, SCHUETTE, STILLE, GOSCHKA, STEIL, HAMMERSTROM, GAST, DUNASKISS, BENNETT, DINGELL, HART, DE BEAUSSAERT and MURPHY and referred to the Committee on Judiciary.

A bill to amend 1909 PA 278, entitled  
"The home rule village act,"  
(MCL 78.1 to 78.28) by adding section 24d.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 24D. (1) WHETHER OR NOT SO PROVIDED IN ITS CHARTER, A  
2 VILLAGE MAY, BY ORDINANCE, REGULATE OR PROHIBIT PUBLIC NUDITY  
3 WITHIN VILLAGE BOUNDARIES.

4 (2) A PLAINTIFF WHO CHALLENGES AN ORDINANCE ADOPTED BY A  
5 VILLAGE THAT PROHIBITS OR REGULATES PUBLIC NUDITY SHALL JOIN AS  
6 PARTIES DEFENDANT THE VILLAGE AND THE STATE TREASURER.

7 (3) AS USED IN THIS SECTION, "PUBLIC NUDITY" MEANS THE KNOW-  
8 ING OR INTENTIONAL DISPLAY IN A PUBLIC PLACE, OR FOR PAYMENT OR  
9 PROMISE OF PAYMENT BY ANY PERSON INCLUDING, BUT NOT LIMITED TO,  
10 PAYMENT OR PROMISE OF PAYMENT OF AN ADMISSION FEE, OF ANY  
11 INDIVIDUAL'S GENITALS OR ANUS WITH LESS THAN A FULLY OPAQUE

1 COVERING OR A FEMALE INDIVIDUAL'S BREAST WITH LESS THAN A FULLY  
2 OPAQUE COVERING OF THE NIPPLE AND AREOLA. PUBLIC NUDITY DOES NOT  
3 INCLUDE ANY OF THE FOLLOWING:

4 (A) A MOTHER'S BREASTFEEDING OF A BABY WHETHER OR NOT THE  
5 NIPPLE IS COVERED DURING OR INCIDENTAL TO THE FEEDING.

6 (B) MATERIAL AS DEFINED IN SECTION 2 OF 1984 PA 343, MCL  
7 752.362.

8 (C) SEXUALLY EXPLICIT VISUAL MATERIAL AS DEFINED IN SECTION  
9 3 OF 1978 PA 33, MCL 722.673.

10 Enacting section 1. The authority of a home rule village to  
11 prohibit or regulate public nudity as set forth by the United  
12 States supreme court in City of Erie v Pap's A.M., 529 US \_\_\_\_;  
13 120 S Ct 1382; \_\_\_\_ L Ed 2d \_\_\_\_; 68 USLW 4239 (March 29, 2000),  
14 is recognized by this state. The authority granted in this amen-  
15 datory act shall not be construed to limit the authority of a  
16 home rule village to enact an ordinance that is based upon the  
17 ordinance of the city of Erie, Pennsylvania that was the subject  
18 of City of Erie v Pap's A.M., 529 US \_\_\_\_; 120 S Ct 1382; \_\_\_\_ L  
19 Ed 2d \_\_\_\_; 68 USLW 4239 (March 29, 2000), except for the exclu-  
20 sions from the definition of public nudity listed in section  
21 24d(3) of the home rule village act, 1909 PA 278, MCL 78.24d.