

Amend CSSB 12 (senate committee printing) in SECTION 3 of the bill as follows:

(1) Strike added Section 43.28(a), Penal Code (page 2, lines 22-31), and substitute the following:

(a) In this section:

(1) "Sexual conduct" means:

(A) the exhibition or representation, actual or simulated, of sexual acts, including vaginal sex, anal sex, and masturbation;

(B) the exhibition or representation, actual or simulated, of male or female genitals in a lewd state, including a state of sexual stimulation or arousal;

(C) the exhibition of a device designed and marketed as useful primarily for the sexual stimulation of male or female genitals; or

(D) actual contact or simulated contact occurring between one person and the buttocks, breast, or any part of the genitals of another person.

(2) "Sexually oriented performance" means a visual performance that:

(A) features:

(i) a performer who is nude, as defined by Section 102.051, Business & Commerce Code;

(ii) a male performer exhibiting as a female, or a female performer exhibiting as a male, who uses clothing, makeup, or other similar physical markers and who sings, lip syncs, dances, or otherwise performs before an audience; or

(iii) any other performer who engages in sexual conduct; and

(B) appeals to the prurient interest in sex.

(2) In added Section 43.28(b), Penal Code (page 2, line 35), between "public property" and the underlined semicolon, insert "at a time, in a place, and in a manner that could reasonably be expected to be viewed by a child".