

No. 1996-160

AN ACT

SB 1204

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for hindering apprehension or prosecution; and further defining "bottle club."

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 5105 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 5105. Hindering apprehension or prosecution.

(a) Offense defined.—A person commits an offense if, with intent to hinder the apprehension, prosecution, conviction or punishment of another for crime *or violation of the terms of probation, parole, intermediate punishment or Accelerated Rehabilitative Disposition*, he:

- (1) harbors or conceals the other;
- (2) provides or aids in providing a weapon, transportation, disguise or other means of avoiding apprehension or effecting escape;
- (3) conceals or destroys evidence of the crime, or tampers with a witness, informant, document or other source of information, regardless of its admissibility in evidence;
- (4) warns the other of impending discovery or apprehension, except that this paragraph does not apply to a warning given in connection with an effort to bring another into compliance with law; or
- (5) [volunteers] *provides* false information to a law enforcement officer.

(b) Grading.—The offense is a felony of the third degree if the conduct which the actor knows has been charged or is liable to be charged against the person aided would constitute a felony of the first or second degree. Otherwise it is a misdemeanor of the second degree.

Section 2. Section 7329(c) of Title 18 is amended to read:

§ 7329. Prohibition of certain types of entertainment on bottle club premises.

* * *

(c) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Bottle club." [An establishment conforming to the definition set forth in section 7328(c) (relating to operation of certain establishments prohibited without local option).] *An establishment operated for profit or pecuniary gain, which has a capacity for the assemblage of 20 or more persons and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt*

or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, or any organization as set forth in section 6 of the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act.

“Lewd, immoral or improper entertainment.” Includes, but is not limited to, the following acts of conduct:

(1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or excretion or any sexual acts which are prohibited by law.

(2) Any person being touched, caressed or fondled on the buttocks, anus, vulva, genitals or female breasts. This paragraph includes simulation.

(3) Scenes wherein a person displays or exposes to view any portion of the pubic area, anus, cleft of the buttocks, vulva, genitals or any portion of the female breast directly or laterally below the top of the areola. This paragraph includes simulation.

(4) Scenes wherein artificial devices or inanimate objects are employed to portray any of the prohibited activities described in paragraph (1), (2) or (3).

(5) Employment or use of any person in the sale and service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the anatomy described in paragraph (3).

(6) Employment or use of the services of a person while the person is unclothed or in such attire as to expose to view any portion of the anatomy described in paragraph (3).

(7) Permitting any person on the premises to touch, caress or fondle the buttocks, anus, vulva, genitals or female breasts of any other person.

(8) Permitting any person on the premises while such person is unclothed or in such attire as to expose to view any portion of the anatomy described in paragraph (3).

(9) Permitting any person to wear or use any device or covering exposed to view which simulates the human buttocks, anus, vulva, genitals or female breasts.

(10) Permitting any person to show, display or exhibit on the premises any film, still picture, electronic reproduction or any other visual reproduction or image the content of which primarily depicts graphic sexual acts as described in paragraphs (1) and (4).

Section 3. This act shall take effect in 60 days.

APPROVED—The 18th day of December, A.D. 1996.

THOMAS J. RIDGE