

## NAC Roundup



**Trashed:** WILMINGTON, Vermont – Hurricane / Tropical Storm Irene left this mess at The Ledges, a popular and traditional clothing-optional site on the shore of Harriman Reservoir in Vermont.

**Unconstitutional:** JUNEAU, Alaska – U.S. District Judge Ralph Beistline has struck down a state law that was intended to criminalize the electronic distribution of indecent material to minors. Beistline's ruling said the law (which resulted from the passage of Alaska Senate Bill 222 in 2010) was too broadly worded to achieve the state's interest in the "least restrictive means." Naturists were chilled by the law, which included a list of specific portions of the human anatomy for which depictions were prohibited.

Judge Beistline's ruling means that the law cannot be enforced. The State is reportedly considering an appeal.

**Fit:** WICHITA FALLS, Texas – A local man who adopted two boys three years ago raised no eyebrows because he was single. He drew very little flak when folks learned he was gay. But when authorities found out he's a naturist, they began legal proceedings to terminate his parental rights and take away the children. The Naturist Action Committee is working closely with the man's legal counsel.

**Decent:** PRIOR LAKE, Minnesota – With help from NAC, Richard Bolger was found not guilty of indecent exposure on his own property. NAC suggested wording that Bolger used to explain to a jury what naturism means.

# 2012 U.S. STATE LEGISLATIVE SESSIONS

PREFILED BILLS

BILLS CARRY OVER FROM 2011

2012 SESSION

BILLS POTENTIALLY AFFECTING NATURISTS IN 2011?

TOTAL PROJECTED BILLS 2012

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC			START	END		
												● Alabama		02/07	08/17	YES	2700
												● Alaska	●	01/17	04/15	YES	350
												● Arizona		01/09	06/22	YES	1300
												● Arkansas		02/13	03/15	YES	400
												● California	●	01/02	08/31	NO	2000
												● Colorado		01/11	05/09	YES	800
												● Connecticut		02/08	05/09	YES	1000
												● Delaware	●	01/10	06/30	NO	700
												● Florida		01/10	03/09	YES	1000
												● Georgia	●	01/09	04/11	YES	1100
												● Hawaii	●	01/18	05/03	YES	3000
												● Idaho		01/09	04/07	YES	650
												● Illinois	●	01/11	01/08/13	YES	3700
												● Indiana		11/22/11	03/14	YES	900
												● Iowa	●	01/09	04/17	YES	500
												● Kansas	●	01/09	05/25	YES	750
												● Kentucky		01/03	03/29	YES	700
												● Louisiana		03/12	06/04	NO	600
												● Maine	●	01/04	04/18	NO	300
												● Maryland		01/11	04/09	YES	1900
												● Massachusetts	●	01/04	01/01/13	YES	1000
												● Michigan	●	01/11	12/31	YES	1800
												● Minnesota	●	01/24	05/21	NO	1900
												● Mississippi		01/03	05/05	YES	1250
												● Missouri		01/04	05/31	YES	1700
NO REGULAR SESSION IN 2012												● Montana				YES	
												● Nebraska	●	01/04	04/13	NO	600
NO REGULAR SESSION IN 2012												● Nevada				NO	
												● New Hampshire	●	01/09	06/07	NO	500
												● New Jersey		01/10	01/08/13	YES	5000
												● New Mexico		01/17	02/16	NO	300
												● New York	●	01/04	01/08/13	YES	4000
												● North Carolina	●	05/08	07/13	NO	1100
NO REGULAR SESSION IN 2012												● North Dakota				YES	
												● Ohio	●	01/02	12/31	YES	700
												● Oklahoma	●	02/06	05/25	YES	2200
												● Oregon		02/01	03/06	YES	350
												● Pennsylvania	●	01/10	11/30	YES	1600
												● Rhode Island	●	01/03	06/22	YES	800
												● South Carolina	●	01/10	06/07	YES	1100
												● South Dakota		01/10	03/19	YES	450
												● Tennessee	●	01/10	05/26	YES	3800
NO REGULAR SESSION IN 2012												● Texas				YES	
												● Utah		01/23	03/08	YES	800
												● Vermont	●	01/03	05/31	NO	500
												● Virginia		01/11	03/10	NO	2800
												● Washington	●	01/09	03/17	YES	1500
												● West Virginia		01/11	03/13	YES	1400
												● Wisconsin	●	01/17	06/13	YES	800
												● Wyoming		02/13	03/12	NO	250

**U.S. State Legislation**

**Naturist Action Committee's**

**2011 Review  
2012 Outlook**

**A newly updated look at numbers, trends, friends, foes ... and more**

by Bob Morton  
Chairman & Executive Director  
Naturist Action Committee

Monitoring state lawmaking is a continuous activity. Special sessions, prefiled bills and year 'round hearings have evaporated the notion of a true legislative off-season. Still, in the early weeks of 2012, lawmakers will gather at most state capitals across the U.S. to convene their formal sessions. Naturists have an opportunity and a responsibility to anticipate what lies ahead.

The Naturist Action Committee (NAC) continually assesses and revises its legislative outlook, but we can give you a snapshot that makes the most sense at this moment. For 2012, naturists will face a mixture of good and bad news. The good news begins with the fact that four states will not have regular legislative sessions at all next year!

**NAC'S RESOURCES**

NAC uses an array of technology that augments growing ranks of grass roots volunteers. Nine elected NAC board members coordinate the efforts of more than sixty NAC Area Representatives. Generous donors make the entire operation possible. Having no membership roster on which to assess dues, NAC relies *entirely* on the voluntary financial contributions of those who recognize the value of NAC's important work on behalf of naturists.

Because 2012 will be a major election year, incumbent lawmakers will be looking for chances to campaign for reelection. Accordingly, some legislatures have scheduled shorter sessions for 2012. While that may seem like good news, the associated bad news is that the compressed schedule accelerates the pace at which the lawmaking process moves. For NAC, short sessions emphasize the requirement for keen observation and an ability to respond swiftly.

Many state legislatures operate biennially. Complete sessions last for two years, allowing a bill to begin its legislative process in one year and carry it over to the next year. That means that some bills will start this year already more than half way to the finish line.

For a complete listing of legislative schedules for 2012 sessions, consult the chart on page 2 of this *Newsletter*.

The numbers are daunting. By the end of 2011, the Naturist Action Committee will have considered tens of thousands of bills, identifying more than 800 of them as having the potential for affecting naturists in one manner or another. Quantities will be comparable in 2012.



NAC Area Rep David Bitters testifies before a committee of the Kansas legislature.

**ISSUES**

**Sex Offender Legislation.** It's difficult to tell if the national fascination with increasingly severe punishment for sex offenders is reflected by lawmakers or created by them. Regardless, the interests of naturists are frequently trampled when sex offender legislation is considered, perhaps because some lawmakers cannot distinguish between nudity and sex.

NAC recognizes the importance of educating lawmakers in this area, and it takes that task seriously. Meanwhile, naturists must not be squeamish when the need arises to oppose legislation that clearly challenges our interests - even if that means being seen opposing a sex offender bill.

**Sexually-Oriented Businesses.** Because of U.S. Supreme Court rulings, legislation focusing on sexually-oriented businesses often includes reworking of a state's indecent exposure or public indecency law. Legislative measures often have an impact on naturists who enjoy clothing-optional recreation on public land. But nudist parks and resorts find themselves affected, too, through definitions like that of "sexual encounter center," which typically describes any commercial place where "two or more people engage in an activity while nude or semi-nude."

**Children.** Nudity in the presence of a child - sometimes even one's own child, and in one's own home - has become a target for lawmakers. Family-friendly naturism remains at obvious risk from such legislation.

See **NAC's ...** on page 4



# NAC's 2011 Review 2012 Outlook

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**Escalating and Ratcheting Penalties.** Lawmakers can be expected to continue the trend of attempting to increase penalties for offenses like public nudity.

**Definitions.** Simply by expanding definitions of what constitutes a sex crime or what makes a place “public,” lawmakers can have a tremendous effect on naturists. NAC watches carefully for changes to existing definitions.

### GRASS ROOTS

The Naturist Action Committee is the oldest, most trusted and most effective organization in North America focusing exclusively on advancing and protecting the rights and interests of naturists. There is no question that NAC draws its strength as an activist organization from its grass roots support. When NAC calls for naturists to act in a political situation, we can count on calls, letters, e-mails and faxes to lawmakers. *Thank you!*

### LOBBYISTS

Professional legislative lobbyists can make the difference in the success or failure naturist activists have on a certain issue. NAC has recognized that fact for years. In 2011, NAC retained professional services in Wisconsin and Oregon.

### NAC COMMUNIQUÉS

The Naturist Action Committee issues NAC Action Alerts, NAC Advisories and NAC Updates as an important way of keeping naturists informed and involved.

### STATES

It's always tricky to try to guess the directions lawmakers will take. NAC offers the following state-by-state review of 2011 and outlook for 2012. These predictions are necessarily brief. NAC has learned to expect the unexpected, and with the continued support of concerned naturists, NAC will be ready. For more information, visit the NAC Web site:

[www.naturistaction.org](http://www.naturistaction.org)

**Alabama** — Broadly written sex offender legislation routinely threatens naturists. In 2011, the Alabama legislature passed a bill (HB 51) declaring a third or subsequent conviction for indecent exposure to be a felony. For an individual to be convicted of indecent exposure, Alabama law requires that the exposure be of the genitals, with intent to arouse or gratify sexual desire of the actor or of any person other than his spouse. The inclusion of the *mens rea* qualifier should remove concern among naturists, since naturist activities are not intended to arouse or gratify sexual desire. However, law enforcement officers and prosecutors too frequently ignore intent, or they substitute their own notions of what intent must have been in any circumstance involving nudity. HB 51 thus becomes significant to naturists. NAC expects more of the same in 2012.

**Alaska** — Twin bills, HB 127 and SB 72, were introduced in 2011 with wording that attempted to exempt minors under age 16 from penalties for “sexting” images of their own genitals, anus or female breast. For those outside this exemption, however, penalties were “enhanced,” under certain circumstances, for publishing or distributing images of the prohibited body parts of minors. Potential problems became obvious for naturist groups and publications that document and celebrate the inclusion of naturist families with children. Ultimately, SB 72 was abandoned in favor of the companion version, for which a substitute was offered that removed the threatening language. Thus modified, the measure passed. Since the authors of HB 127 / SB 72 were not entirely successful in their original intent, NAC expects another attempt in 2012.

**Arizona** — Existing Arizona law says that indecent exposure in the presence of a minor under the age of 15 constitutes a "sexually violent offense." In the 2011 session, House Bill 3482 sought to implement a cop's "street verdict" by proposing that if someone is charged with a "sexually violent offense," he would be – by law – a "sexually violent offender," even if he subsequently and successfully entered a plea for a lesser offense. This horrible legislation died in committee, and there is no carryover to the 2012 legislative session. Arizona is one of those states with a fascination for sex offender legislation. NAC anticipates that trend to continue into 2012. Land use legislation could also present trouble for naturists in the coming legislative session.

**Arkansas** — Meeting in even-numbered years is a relatively new experience for Arkansas lawmakers. The 2012 session is brief – just a little more than a month. That may be a good thing. Existing law in “the Natural State” is not natural at all, when it comes to naturist issues. Nevertheless, few threats appeared in 2011, and few are expected in 2012.

**California** — At the state legislative level in recent years, California has been more well behaved than you might guess. However, the relatively large numbers of bills in each session demand careful monitoring. Legislative solutions for California's naturist issues will grow more attractive as the true agenda of the Department of Parks and Recreation becomes obvious, even to established sycophants.

**Colorado** — In a state that counts almost any in-state or out-of-state conviction for indecent exposure toward felony status, it's easy for an avid skinny-dipper to become a three-time loser. “Prior convictions” in Colorado can include even something like the municipal ordinance that was considered (and rejected) recently in Madison, Wisconsin. Colorado HB 1121, which was passed into law in 2011, prevents anyone thrice convicted of indecent exposure from working in a school. NAC expects similar legislation in 2012.

## NAC's 2011 Review 2012 Outlook

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These are just a few of the legislative bills and issues NAC has been tracking in 2011. The total number of bills filed in 2011 exceeds 130,000. NAC parses each one electronically, and then carefully reviews the texts of those that meet certain criteria. Bills receiving that level of scrutiny can approach a tenth of the total bills filed. Of those bills, some are deemed to deserve tracking. In 2011, NAC tracked 417 such bills and gave special attention to 182 bills.

**Connecticut** — Introduced in 2011, House Bill 6077 was a measure concerning public breastfeeding. The stated purpose was: "[t]o make clear that the act of breastfeeding an infant in public does not constitute the crime of public indecency." The bill is a good example of sanctioning a specific behavior and criminalizing the remainder by implication. The existing Connecticut public indecency law (53a-186) does not criminalize exposed female breasts, but this bill makes it seem that the law would do exactly that, if the woman were not nursing. This was poor legislation, and it died in committee. Bills do not carry over to 2012, but it's likely that similar new legislation will be offered in the coming year..

**Delaware** — In recent sessions, Delaware has passed legislation protecting "vulnerable adults" from a laundry list of crimes by raising the penalties for those crimes. On the list, along with rape, robbery, burglary and kidnapping, is the unclassified misdemeanor of 2nd degree indecent exposure, which can be simple, nonsexual nudity. "The First State" remains quiet, legislatively. Few threats are projected for 2012.

**Florida** — Despite facing far greater problems, Florida law-makers have been focusing on establishing dress codes for students and addressing so-called "sexting" among minors. Sometimes NAC must consider the source of a bill, as well as its content. Freshman State Rep. J.W. Grant is the son of anti-nudity lawmaker John Grant, who was a state legislator for 20 years, from 1980 through 2000. To no one's surprise, the younger Grant's first bill (HB 385) dealt with obscenity, and looked very much as if Daddy had written it. HB 385 died in committee. Expect more of the same in 2012, from some of the very same lawmakers.

**Georgia** — Rep. Bobby Franklin introduced a bill in 2011 that Seemed to be enlightened. House Bill 14 proposed to change the term "victim" to "accuser" for matters in which there is not yet a conviction. That would include the state's

public indecency law (O.C.G.A. § 16-6-8). Despite its reasonableness, or perhaps because of it, Franklin's bill never advanced. In 2012, Georgia lawmakers will likely return to further "enhancing" penalties for sex offenders.

**Hawaii** — Local issues took the spotlight from state legislative matter in 2011. In 2012, sovereignists are expected to introduce social and land use issues that may have consequences for naturists. Once again, transfers of state parks to counties could be trouble.

**Idaho** — In 2011, Senate Bill 1067 successfully sought to require that any person convicted a second (or subsequent) time of indecent exposure or even an ATTEMPT to commit indecent exposure must supply the state of Idaho with a DNA sample and a thumb print. Former law applied only to "sexual and violent felonies." Indecent exposure in Idaho, by the way, does not require that the exposure be in a public place. For the 2012 Idaho session, which lasts less than three months, NAC expects state lawmakers to seek further additions to the list of moral crimes and associated punishments.

**Illinois** — The rules of the Illinois legislature allow the introduction of "shell bills," legislation in which the true intent of the bill is not required to be revealed until its text is substituted much later in the session. To preserve the ruse, a simple word like "the" is stricken and replaced with the same word. Consider, for example, House Bill 923 from the 2011 session. Sex offense legislation, likely introduced through "shell bills," will occupy much of the 2012 session. NAC will be monitoring Illinois bills carefully.

**Indiana** — The Indiana legislature has been preoccupied recently with bills addressing voyeurism and distribution of sexually oriented material to minors in the context of so-called "sexting." NAC's experience has shown that both of those topics are attractive for riders that threaten naturists. NAC expects more of the same in Indiana's 2012 session.

**Iowa** — In the 2011 legislative session, Iowa Senate Study Bill 1064 was entitled "*A study bill for an act concerning live dog racing at pari-mutuel dog racetracks*." However, the actual text of the bill dealt with "visual depictions" of nudity, a matter that clearly concerns naturists. The deceptively titled bill might have been easy to miss, but NAC was specifically looking for the contents, based on the outcome of *State v. Muhlenbruch*, a court decision from 2007. Legal decisions can be excellent predictors of upcoming legislation. By the way, Iowa law does not consider an image of a minor who is merely nude to be the same as an image of one who is a participant in a prohibited sexual activity. However, the state offers no training to the photo processing and computer technicians who are expected to make the distinction. For 2012, look for more Iowa legislation of this genre.

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**Kansas** — Kansas legislation often offers something for everyone. From the 2011 session, consider House Bill 2045, which was part child pornography bill, part sexual assault bill, part voyeurism bill, and part snitch bill. HB 2045 did not move. In 2012, look for attempts at escalating penalties, as well as harsh new wording for definitions.

**Kentucky** — Sometimes, proposed new laws need to be watched as carefully for what they *exclude* as for what they *include*. In 2011 Kentucky House Bill 240, a new item intended for KRS chapter 510 (where the indecent exposure prohibition is located): “A verdict of guilty or a plea of guilty to a felony offense under this chapter *other than indecent exposure* shall operate as an application for a restraining order limiting the contact of the defendant and the person identified as the victim in the indictment, unless the victim requests otherwise. Can anyone guess the reason for the exemption? HB 240 stalled, and there is no carryover to the 2012 session. NAC expects Kentucky to have an intense legislative session in 2012.

**Louisiana** — In 2009 and 2010, legislators considered a bizarre flurry of bills about genitals and what may be done with them. In 2011, that fascination cooled. Unable to solve the bigger problems, lawmakers are likely to turn in 2012 to issues like dress codes.

**Maine** — Typically among the most sane of states, Maine spent very little legislative effort in 2011 on bills that might affect naturists. One measure, House Paper 30, sought to eliminate deferred disposition for those convicted of indecent conduct (Maine Criminal Code § 854). The legislation died. Although local issues will continue to erupt, NAC expects a legislatively quiet Maine in 2012.

**Maryland** — Senate Bill 134 from the 2011 session sought to add indecent exposure in the presence of a child to the state’s list of Tier 1 Sex Offenses. The bill failed, and Maryland has no carryover to 2012. In 2012, diminished funding will continue to limit self serving exemption seekers.

**Massachusetts** — The General Court of the Commonwealth of Massachusetts is in essentially year ‘round continuous session. Some unfinished bills from 2011 do carry over to 2012. In 2011, Senate Bill 629 was proposed as “[a]n act to combat economic crimes.” However, a careful reading of the bill text finds that the proposed new “economic crimes” law includes a section that addresses a “child in a state of nudity.” NAC performs exactly the sort of careful reading that uncovers such buried text. The bill remains in the Joint Judiciary Committee.

**Michigan** — In 2011, Senate Bill 188 added “indecent exposure in the presence of a minor” to the list of Tier 1 offenses for which registration is required. In 2012, definitions aimed at regulating sexually oriented businesses may prove troublesome to naturists.

**Minnesota** — As in many states, lawmakers in Minnesota have focused in 2011 on crimes against vulnerable adults. Indecent exposure is among the crimes for which penalties are escalated if committed in the presence of a vulnerable adult. Sex offender bills will continue to be an issue requiring the attention of naturists in 2012.

**Mississippi** — House Bill 45 proposed to increase the penalty for indecent exposure by raising the monetary fine and the time in jail/prison for second and third convictions. HB 45 died aborning. NAC always expects threatening legislation in Mississippi, and 2012 is no exception..

**Missouri** — House Bill 367 in 2011 specifically sought to ban nude boxing and wrestling, but it stalled and died. While this is not about naturist activities, NAC routinely checks out any law that prohibits nudity. The bill says that ritualized body violence is acceptable; body exposure is not. Mean-while, Party Cove backlash is building among lawmakers. NAC expects introduction in 2012 of tough public lands legislation addressing nudity.

**Montana** — In 2011, Senate Bill 61 was a legislative response to *State v. Aakre*. It allows admission of prior crimes in sexual offense crimes against children. In some instances, that could be nudity in the presence of a child, which Montana courts will accept as a crime under the broadest of circumstances. SB 61 missed the deadline for general bill transmittal and died in standing committee. Mercifully, Montana will have no regular legislative session in 2012.

**Nebraska** — In 2011, Legislative Bill 513 addressed escort services. Bills that propose new definitions for nudity are worthy of NAC’s scrutiny. LB 513 sought to criminalize buttocks and female breasts, neither of which are prohibited by Nebraska’s public indecency law (Nebraska Revised Statutes, section 28-806). This is not a straightforward bill. Even though it’s not aimed at naturists, the definitions are troubling. NAC expects even more moral legislation in 2012.

**Nevada** — With Assembly Bill 75, lawmakers were asked to add a first conviction of Nevada Revised Statutes 201.210 or NRS 201.220 to the list of acts that constitute sexual offenses. Though they include no internal definitions, those are the laws that are used to charge individuals who are nude in Nevada. AB 75 died for failure to move. No regular legislative session is scheduled for Nevada in 2012.

**New Hampshire** — NAC anticipates very few legislative issues affecting naturists in 2012.

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The Naturist Action Committee takes state legislation seriously. We know that it's far more effective to derail bad legislation *before* it becomes law. As a grass roots activist organization, NAC frequently calls on its most valuable resource – its naturist supporters – to make a difference. You can stay informed through *NAC Action Alerts, Advisories and Updates*, so that you will know how to help.

NAC subscribes to a commercial bill tracking service and also uses its own proprietary software to parse, identify, analyze and track legislation affecting naturists. In some circumstances, NAC makes the decision to retain legislative advisors, outside legal counsel and lobbyists.

This level of commitment to naturists is essential, but it's costly. NAC relies on generous voluntary contributions from supporters like you.

Please donate to NAC!

[www.naturistaction.org/donate](http://www.naturistaction.org/donate)

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**New Jersey** — The legislature meets all year and generates an enormous volume of legislation. New Jersey is one of two states for which biennial legislative carryover goes from sessions in even numbered years to sessions in odd numbered years. The state keeps a list of professions that are unavailable to those with convictions under certain laws, including New Jersey Statutes, section 2C:14-4, which is called "lewdness," but is often used to charge simple nudity. Having already passed laws in previous years on almost every topic imaginable, the New Jersey legislature turned its attention in the 2010-2011 session to "upgrades" for existing laws. An "upgrade" in lawmaker-speak is typically a broader application or an increased penalty. Those can be dangerous. NAC looks for more New Jersey "upgrades" in 2012.

**New Mexico** — Per the letter of the state law, aggravated indecent exposure (30-9-14.3 NMSA) requires a specific combination of circumstances to establish that an offense has been committed. Nevertheless, aggravated indecent exposure is commonly the charge when an adult is publicly nude in the presence of someone under the age of 18. In 2011, three bills sought to add additional punishment, reporting, or post punishment monitoring for that offense. House Bill 54 and Senate Bill 352 died. House Bill 298 was vetoed. NAC kept careful watch; each of those bills was a prime candidate for amendment to even more broadly punitive laws. For 2012, NAC anticipates that adjustments to sex offender laws and adult business definitions may cause problems.

**New York** — Each year, New York lawmakers are asked to consider a new crop of proposed laws addressing the "sexual performance of a child." Often, the target is the nudity of children. Many of those sorts of bills ignore the state's own "harmful to minors" provision. NAC monitors each bill carefully, stepping in where necessary to offer substitute language for poorly constructed legislation. (For an example of NAC's intervention, see S 224 and A 1174 from 2007.) For another sort of New York legislation NAC faced in 2011, consider A 290, which proposed a two dollar surcharge on the purchase of sexually oriented media. As defined by the bill, media is "sexually oriented" if it includes nude images. A 290 has not advanced. NAC expects both the sexual performance and the publication surcharge sorts of legislation in the 2012 session.

**North Carolina** — Perhaps calmer than in other years from a naturist point of view, the North Carolina legislature turned its attention elsewhere in 2011. NAC predicts it won't last long.

**North Dakota** — Seeking to establish "No Name Calling Day," Senate Bill 2167 proposed a huge new section of law addressing "bullying." It's larger than the ND law addressing murder. Since bullying includes harassing, annoying, etc., and since it amends the same disorderly conduct section of the law that prohibits public nudity, naturists may be vulnerable. Recall the Montana indecent exposure law (45-5-504) that was changed to allow conviction if, by your exposure, you "affront or alarm" another person in order to "abuse, humiliate, harass, or degrade" that person. The North Dakota language was beginning to take on a similar look, but SB 2167 failed by a 2 to 1 margin in a House floor vote. For 2012, look for attempts at harsher penalties for existing laws.

**Ohio** — State Senator Gary Cates (R-Butler County), a perennial naturist antagonist in the Ohio General Assembly, has accepted an appointment to be Senior Vice Chancellor for the Ohio Board of Regents and officially resigned from the Ohio Senate on May 23, 2011. Although Cates will no longer be a direct factor in Ohio lawmaking, his successor, Bill Coley (R-West Chester) appears likely to make the transition a seamless one. NAC continues close watch on a small handful of bills that will carry over to next year's session. Broad sex offender bills of the type championed by Sen. Cates will likely threaten naturists in 2012.

**Oklahoma** — The Oklahoma legislature was busy during 2011. Senate Bill 446 successfully amended the indecent exposure law, making its language gender neutral and removing public urination from the indecent exposure section, so that it's not a sex offense. House Bill 1350 sought to add juveniles to the state's sex offender list for CONSPIRACY to commit indecent exposure. HB 1350 failed in the Senate Judiciary Committee. NAC expects 2012 will see troubling legislation involving laws addressing nudity and children.

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**Oregon** — NAC responded forcefully to a 2011 legislative threat that would have allowed each county and municipality in the state to adopt its own definition of nudity, in the context of regulating or prohibiting it. NAC hired and managed a professional legislative lobbyist to meet the challenge. SJR 28 was assigned to a committee chaired by a state lawmaker for whom NAC's carefully chosen lobbyist had been campaign director. Political strength hinges on relationships and access, and NAC had those. SJR 28 died in committee. Oregon will have a 1-month session in 2012; bills do not carry over from 2011. NAC expects relative quiet until 2013.

**Pennsylvania** — The Pennsylvania General Assembly devoted a great deal of its attention in 2011 to legislation having to do with 18 Pa. C.S. §§ 3127 and 5901, the portions of the state law addressing indecent exposure and lewdness, respectively. In fact, twenty-nine bills made such references, and NAC reviewed each one. Most concerned existing law and none rose to the level of an outright threat, but NAC gave each one the critical consideration it deserved. For 2012, NAC expects legislation proposing still more laws dealing with sex offenders and sexually oriented businesses. Definitions, which are often too broad, will require scrutiny.

**Rhode Island** — A couple of legislative measures from 2011 (H 5129 and S 833) attempted to add multiple existing sections of Rhode Island law to a list of offenses requiring sex offender registration. Among those was a deceptively titled law that caught the attention of Dick Springer — NAC board member responsible for New England — and NAC Area Rep Ron Marsh, who is a Rhode Island resident. The law with the misleading title remains on the books, but it is not a true threat to naturists. The proposed new registration laws were both “held for further study.” Rhode Island does allow carry-over to the 2012 session, but even if these bills don't make it, Rep. Peter Palumbo (D-Cranston) has proved that he's willing to introduce the topic again and again.

**South Carolina** — NAC must read astonishingly poorly written legislative bills with as much care as it gives to bills that are well written. House Bill 3545 sought to prevent establishments from placing beer coolers at doorways, but it also proclaimed various anatomical features that must be covered when alcohol is present. What is a “*buttocks cavity*?” Do we really want to know? HB 3545 did not advance, but the same lawmakers will be returning for the 2012 session, which will be almost five months long.

**South Dakota** — Term limited lawmakers keep swapping houses of the legislature with the same issues. The 2011 session saw a “sexting” bill that did not pass. Look for another attempt in 2012.

**Tennessee** — Senate Bill 83 from 2011 is a good example of a benign bill that still needs careful monitoring. Existing state law allows a woman to breastfeed in public only those children of her own that are under 12 months of age. SB 83 proposed to remove the age requirement. That would be a good thing, though perhaps not exactly our issue. However, experience shows that this is a perfect spot to add more amendments - and those may well address our issue(s). SB 83 was passed without a single vote of opposition in either house — and without amendment. As introduced, House Bill 172 would have **required** businesses (including naturist resorts) to post signs advising employees and patrons of the National Human Tracking Resource Center Hotline. The signs read: “If you or someone you know is being forced to engage in any activity and cannot leave - whether it is commercial sex, housework, farm work or any other activity - call the National Human Trafficking Hotline ...” NAC monitored the bill carefully. It was passed by the legislature and signed by the governor only after “required” was amended to say “**strongly encouraged**.” For 2012, NAC expects to see a handful of Tennessee issues left over from as far back as 2007.

**Texas** — Texas is one of a handful of states with bifurcated laws that treat simple nudity and sexually motivated nudity as separate offenses. Simple “public nudity” is a class C misdemeanor that is part of the list that exists under the heading of “disorderly conduct,” while the sexual crime, “indecent exposure,” is a class A misdemeanor. It seems that naturists shouldn't care about indecent exposure, but it's a fact that Texas law enforcement and prosecutors routinely overcharge mere nudity as indecent exposure, hoping to get a conviction for public nudity as a “lesser included” crime. In the 2011 legislative session, House Bill 927 sought to declare a third conviction for indecent exposure to be a felony. NAC recognized that it may not seem to be a naturist issue, but it's an issue that affects naturists. HB 927 became stalled in the final days of the 2011 session. Texas has no regular session in 2012. Nevertheless, dangerous politics goes on unabated behind the scenes.

**Utah** — Utah's session lasts a little more than a month, but lawmakers routinely introduce as many as 800 bills in that brief period. Some of them are ridiculous. In 2011, Senate Bill 40 unsuccessfully attempted to define public urination as child abuse. House Bill 106, in its introduced form, required that the secretary of any public meeting conducted electronically must delete from the record all pornographic or obscene material. HB 106 became law — with that requirement removed. House Bill 121, which has been signed into law, allows those who are publicly nude to be charged with solicitation of sex acts. In Utah, where all nudity is considered “lewdness,” bitter issues of “family values” are designed to polarize lawmakers and intimidate incumbents. Look for these in the brief 2012 legislative session.

# NAC's 2011 Review 2012 Outlook

(continued from page 8)

**Of course, this compilation does not come close to being a complete list of state legislation. It does present an inside look at just one facet of the essential services performed by the Naturist Action Committee on behalf of naturists.**

**NAC participates in the legislative process by offering drafts of amendments and substitute bills texts that improve the fairness of proposed laws. NAC testifies before legislative committees and coordinates contact campaigns that target key lawmakers. NAC hires legislative lobbyists when it's necessary.**

**But NAC also deals with regulatory agencies at the federal, state and local levels.**

**And NAC routinely arranges legal representation for naturists and consults with attorneys representing naturists in cases ranging from child custody issues to criminal charges for benign nudity.**

**By the way, NAC's record in defending naturists who have been ticketed for nudity by the California Department of Parks & Recreation is 13 - 0.**

**Please help NAC stay on the job for YOU.  
Donate to NAC!**

[www.naturistaction.org/donate](http://www.naturistaction.org/donate)  
NAC, PO Box 132, Oshkosh, WI 54903

**Vermont** — Most recent challenges (and successes!) in Vermont have been local or regulatory – and not in the state legislature. Despite the fast-fading drama associated with Lake Willoughby in 2009 and the associated anti-nudity legislation (H 154) in that same year, state lawmakers are still much more sensible than most. NAC anticipates no legislative trouble in 2012

**Virginia** — Some of the state's most vigorous anti-nudity lawmakers are no longer in office, but the putrid laws they've passed remain in place. Will naturists see slightly smoother sailing ahead in 2012? Virginia is one of two states for which

bills are allowed to carry over from sessions in even numbered years to sessions in odd numbered years. NAC expects 200 bills a day to be filed in the early portion of the brief (2 month) 2012 session.

**Washington** — The Washington legislature has been dealing with a brutal budget shortfall in 2011, and that has temporarily redirected the focus of lawmakers. However, NAC anticipates a renewed effort in 2012 to count municipal indecent exposure convictions anywhere in the world toward felony status in Washington.

**West Virginia** — House Bill 2724 from 2011 was a “sexually oriented business” measure that defined “adult arcade” as any place showing movies that include nudity. No prurience required - just “specified anatomical areas.” If a business were to screen the Naturist Education Foundation's *Chasing the Sun* or AANR's ancient *Welcome to Our World*, it would be a sexually oriented business – *by definition*. This was a bad bill that died in committee. West Virginia bills do not carry over to the following year. In 2012, look for more like this, as well as bills that fail to recognize existing exemptions.

**Wisconsin** — NAC's professional legislative lobbyist is once again on the job for 2012, damping enthusiasm for anti-nudity bills. NAC is carefully watching public lands measures for hidden snags in the coming session. Volatile Wisconsin state politics increase the difficulty of the task and more than justify NAC's carefully considered choice to use a lobbyist.

**Wyoming** — In 2011, the Wyoming legislature was asked to consider a bill (HB 23) that declared sex offender status for those convicted of a section of the existing public indecency law. Although it was not a specific subsection that should threaten naturists, NAC is aware that significant amendments can quickly change such details. In point of fact, HB 23 was modified to omit that portion of the bill altogether, but it could easily have gone a different direction. With a very short (less than one month) session, lawmaking in Wyoming is a sudden and sometimes surprising process. In 2012, NAC is looking for possible bills addressing nudity and children.

#### MORE INFORMATION AND RESOURCES

Additional information and links are available on the web site of the Naturist Action Committee.

[www.naturistaction.org](http://www.naturistaction.org)

Become a Member of **The Naturist Society**

[www.naturistsociety.com](http://www.naturistsociety.com)

# Bay Area Naturists: Annual Bonny Doon Cleanup

by Rich Pasco

SANTA CRUZ COUNTY, Calif. – September 18 was the annual beach cleanup at Bonny Doon Beach.

As beach captain, I was working the sign-in table at the top of the dunes, beside the railroad tracks. I had kept my clothes on as my job included greeting newcomers.

About midway through the morning, a California State Parks ranger came by. I introduced myself. He identified himself as "Ryan" (not giving a last name, and not wearing an ID badge). He asked how things were going, and I replied fine, we had some hard-working volunteers who were removing a lot of trash.

Gesturing to David, one of our Bay Area Naturists working below on the beach, Ryan asked, "Are you having any trouble with that nude guy down there?" I said, "No, no trouble at all."

He thanked me, wished me a nice day, and was on his way. After he left, I wondered what that was about. Was he hoping to elicit a complaint?

## NAC & NEF Salute Bill Schroer

OSHKOSH, Wisconsin – In a resolution adopted unanimously by the board of the Naturist Action Committee, NAC's directors expressed their appreciation to William J. Schroer of Michigan, who served for two full terms (six years) on the boards of NAC and NEF. For four of those years, Bill was treasurer for both volunteer organizations.

Bill owns a business in Battle Creek and makes time for traveling and outdoor activities. He remains an avid naturist and has become the newest NAC Area Representative for Michigan.



NAC and NEF to Schroer:  
*Thank you, Bill!*



(LEFT) Julianne Pasco surveys a newly cleaned Bonny Doon. (RIGHT) John Mirassou brings a bucket of broken glass up from the beach.

### Contact the NAC Board

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