

Dear Chair Klemin and members of the House Judiciary Committee,

My testimony is in opposition to the House Bill 1333. I ask that you give this bill a Do Not Pass.

The reason for this is that this bill is poorly written. I'd like to pay special attention to this paragraph.

“Adult cabaret performance” means a performance in a location other than an adult cabaret which features topless dancers, go - go dancers, exotic dancers, strippers, male or female impersonators who provide entertainment that appeals to a prurient interest, or similar entertainers, regardless of whether or not performed for consideration.”

Reasonable people may come to different conclusions on who and what would qualify for an “Adult cabaret performance” under Section 1 of HB 1333. Would we impose criminal penalties on football games at the half-time show if someone considered the entertainers and performers go-go dancers? If a lady danced in the bar and removed a layer of clothing, would we call the cops? If we had a concert featuring backup dancers who appealed to prurient interest, who would pull the trigger on the event? What modesty panels could we set up ahead of time to make sure an act wouldn't be considered too sexual?

If a bar was playing the newest episode of Ru Paul's Drag Race, would we arrest the owner or Ru Paul? Should we arrest the person who turned it on? If we are allowing video of this in public spaces, could we then record drag shows and have them played on projectors?

If we have live performances of drag shows, what constitutes their level of...let's say prurientness? Would we allow turtleneck sweaters on our drag performers? If a play had a cross-gender performance, would we arrest the producer or the actor? Would that be dependent on how attractive the actor was; what I mean is do they need to be inherently sexy to violate this law or is any “impersonator” in public space inherently criminal? Would we consider arresting any trans person under this law, assuming they did some action that could constitute a performance - like perhaps singing while walking?

I've also noticed some movies have nudity in them or even things one may consider “sexual”. Should we look at banning movies in our state or just arresting parents who allow their kids to see them? I'm curious how this bill will seek to criminalize that.

I think there are some common sense pieces of legislation around things we understand to be adult performances, but this is not one of them and the placement of “sex impersonator” is especially egregious due to the subjectivity of the legislation and those who may enforce it.

There are drag shows that feature adult performances and they occur in bars where individuals need to legally be adults to enter, in the same way there are movies you need to be an adult or with an adult to see. There are drag shows for kids, in the same way there are movies for kids. Drag is a kind of entertainment that is not inherently sexual. It is predominately about being

fabulous and glamorous in the way idols tend to be. It is also a cultural touchstone of LGBTQ+ individuals, deeply rooted in shared history and resiliency. It is an art of the community that is expressed on an individual level and with individual purpose. The performance can be about getting laughs, about empowering a crowd, creating art, or simply having fun. Performances can be pieces of resistance or pieces of hope.

What I'm having the most trouble understanding is how a drag performer by virtue of them being a drag performer constitutes extra criminality? If they did go against what we already understand to be obscene actions, we have laws on the board to address that. If they did strip to nudity in public spaces, we don't need this legislation to press charges. And if we are judging them harsher than any other entertainer, dancer, or performer then that would appear to me a specific attack on a community's culture. Law needs to be blind and this one seems to simply have binders on.

It is for these reasons, I ask you to vote Do Not Pass.

Thank you for your time, consideration, and service to our state,

Best regards,
Faye Seidler