

HCS SS SCS SB 32 -- SEXUALLY ORIENTED BUSINESSES

SPONSOR: Bartle (Johnson, 47)

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 12 to 4.

This substitute changes the laws regarding sexually oriented businesses. In its main provisions, the substitute:

- (1) Defines "sexually oriented business" as an adult cabaret or any business which generates a majority of its revenue from the sale of sexually oriented material (Section 64.2540, RSMo);
- (2) Prohibits the exhibition of films, videos, and digital video discs depicting specified sexual activities in viewing rooms at sexually oriented businesses. A violation of this provision is a class A misdemeanor (Section 67.2546);
- (3) Prohibits anyone under the age of 21 from being employed by a sexually oriented business. A violation of this provision is a class A misdemeanor (Section 67.2548);
- (4) Establishes several class A misdemeanors involving nude or semi-nude persons in sexually oriented businesses, prohibits persons under the age of 21 from being on the premises of sexually oriented businesses, and prohibits a sexually oriented business from being open between the hours of 12:00 p.m. and 10:00 a.m. on weekdays and Saturdays. These businesses are required to also be closed on state holidays and Sundays (Section 67.2552);
- (5) Allows any county, city, town, or village to create an ordinance requiring sexually oriented businesses to be licensed. Any applicant for a license must provide certain information including personal description information, current contact information, and proof of age. A license will not be issued to any person who has had a sexual offense or obscenity offense conviction during the past 10 years (Section 67.2554);
- (6) Allows any county, city, town, or village to have zoning power to regulate the location of sexually oriented businesses and that public policy interests are protected such as mitigating the adverse secondary effects of sexually oriented businesses, limiting harm to minors, and reducing crime (Section 67.2556); and
- (7) Authorizes counties and the City of St. Louis to require background checks on employees of sexually oriented businesses. Currently, background checks are authorized for employees of adult cabarets (Section 573.503).

FISCAL NOTE: No impact on state funds in FY 2006, FY 2007, and

FY 2008.

PROPOSERS: Supporters say that the bill will allow limited zoning powers regarding sexually oriented businesses even if there is not countywide zoning. This is very important in rural communities.

Testifying for the bill were Senator Bartle; Missouri Family Network; and Dawnissa Lawrence.

OPPOSERS: Those who oppose the bill say that the tax provision will push this type of business to the Internet, resulting in lost tax revenue to the state. The zoning provisions override municipal zoning, which may be working very well. Local governments do a better job of regulating this type of business.

Testifying against the bill were Passions Video, Incorporated; Passions Too, Incorporated; Mike Frese; Richard Snow; VIP Marketing, Incorporated; Eclectics; Motion Picture Association of America; Ramona Fonner; Rhonda Jean Brants; Grayhorse Gentlemen's Club; Richard Simpson; Eclipse Gentlemen's Club; John Howton; Pure Pleasure Mega Center; and Gerald Brink.

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