

SECOND REGULAR SESSION

HOUSE BILL NO. 2064

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RUPP.

Read 1st time March 29, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5683L.01I

AN ACT

To repeal sections 67.2552, 567.080 and 573.503, RSMo, and to enact in lieu thereof seven new sections relating to sexually-oriented businesses, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 67.2552, 567.080 and 573.503, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 67.2548, 67.2552, 67.2554, 67.2556, 311.488, 567.080, and 573.503, to read as follows:

67.2548. A sexually-oriented business shall not employ any person less than twenty-one years of age. Any person who employs a person less than twenty-one years of age is guilty of a class A misdemeanor.

67.2552. 1. It shall be a class A misdemeanor for a person, in a sexually-oriented business, to knowingly and intentionally appear in a state of nudity or depict, simulate, or perform specified sexual activities.

2. It shall be a class A misdemeanor for a person to appear knowingly or intentionally in a sexually-oriented business in a seminude condition unless the person is an employee who, while seminude, shall be at least ten feet from any patron or customer and on a stage at least two feet from the floor and behind a railing no less than twenty-four inches in height.

3. It shall be a class A misdemeanor for an employee, while seminude, to touch a customer or the clothing of a customer.

4. It shall be a class A misdemeanor if a person knowingly allows on the premises of a sexually oriented business a person under the age of twenty-one years, except for a person

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 exclusively on the premises for repair or maintenance of the premises or equipment on the
13 premises, or for the delivery of goods to the premises.

14 5. The provisions of sections 67.2540 to [67.2552] **67.2556** are designed to protect the
15 following public policy interest of this state, including but not limited to: to mitigate the adverse
16 secondary effects of sexually-oriented businesses, to limit harm to minors, and to reduce
17 prostitution, crime, juvenile delinquency, deterioration in property values and lethargy in
18 neighborhood improvement efforts.

67.2554. 1. Any county, city, town, or village may create an ordinance requiring
2 **sexually-oriented businesses to be licensed and may collect a nonrefundable deposit fee to**
3 **be paid prior to the processing of the licensing application. The application for such a**
4 **license shall require the applicant to provide the following information:**

5 (1) The applicant's name;
6 (2) The applicant's age, date of birth, and place of birth;
7 (3) The address and telephone number of the applicant's present residence;
8 (4) The address and telephone number of the applicant's present business;
9 (5) The number on the applicant's driver's license or other state-issued
10 identification card;

11 (6) The date on which the applicant's driver's license or other state-issued
12 identification card was issued;

13 (7) The state that issued the applicant's driver's license or other state-issued
14 identification card;

15 (8) Written proof that the individual is at least twenty-one years of age.

16 2. A license shall not be issued to any person who has been found guilty of or pled
17 guilty to a felony or misdemeanor relating to sexual offenses under chapter 566, RSMo, or
18 obscenity offenses under chapter 573, RSMo, in the past ten years.

67.2556. For the purpose of promoting health, safety, morals or the general welfare
2 **of the community, the legislative body of all counties, cities, towns, and villages is hereby**
3 **empowered to regulate and restrict the location of sexually oriented businesses in**
4 **accordance with the general zoning powers granted to cities, towns, and villages under**
5 **section 89.020, RSMo, counties with a charter form of government under section 64.090,**
6 **RSMo, counties of the first classification under section 64.255, RSMo, counties of the**
7 **second and third classification under section 64.620, RSMo, and all counties except those**
8 **with a charter form of government under section 64.850, RSMo.**

311.488. The supervisor of the division of alcohol and tobacco control shall not
2 **issue a license to sell intoxicating liquor or nonintoxicating beer to a sexually-oriented**
3 **business as defined by section 67.2540, RSMo.**

567.080. 1. Any room, building or other structure regularly used for sexual contact for pay as defined in section 567.010 or any unlawful prostitution activity prohibited by this chapter **or any building, place, or the ground itself, in or upon which any lewdness or assignation is conducted, permitted, continued, or exists** is a public nuisance.

2. **Any person who erects, establishes, continues, maintains, uses, owns, or leases any building or other place for the purpose of lewdness, assignation, sexual contact for pay as defined in section 567.010 or any unlawful prostitution activity prohibited by this chapter is guilty of maintaining a nuisance and on conviction shall be punished by a fine not to exceed one thousand dollars or by imprisonment in the county jail for a period not to exceed one year, or by both the fine and imprisonment.**

3. The attorney general, circuit attorney or prosecuting attorney may, in addition to all criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that [the] **any owner, lessee, sublessee, employee, or agent of the owner, assignee, or partner of the owner** of the room, building **or its grounds**, or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful prostitution activity, **or any act of lewdness or assignation**, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year.

[3.] 4. All persons, including owners, **partners**, lessees, **sublessees**, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the court.

[4.] 5. Appeals shall be allowed from the judgment of the court as in other civil actions.

573.503. 1. Notwithstanding any provision of law to the contrary, any city not within a county and any county may, by order or ordinance, require a background check be conducted on all employees of any adult cabaret **or sexually-oriented business as defined in section 67.2540, RSMo**, to ascertain whether any such employees have been convicted of or have pled guilty to any misdemeanor or felony involving prostitution or aiding or abetting prostitution, drug possession or trafficking, money laundering, tax evasion, or illegal gambling activity.

2. If an order or ordinance is created that requires employees of an adult cabaret or sexually-oriented business as defined in section 67.2540, RSMo, to complete a background check under subsection 1 of this section, a violation of such an order or ordinance shall be a class B misdemeanor.

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