

HCS HBs 494 & 498 -- SEXUALLY ORIENTED BUSINESSES

SPONSOR: Baker

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on General Laws by a vote of 12 to 3. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 7 to 2.

The following is a summary of the House Committee Substitute for HB 494.

This bill defines "adult cabaret performance" and creates the offense of engaging in an adult cabaret performance, which is a class A misdemeanor for a first offense and a class E felony for a second or subsequent offense. A person commits the offense of engaging in an adult cabaret performance if the performance is on public property or is in a location where the performance is reasonably expected to be viewed by a person who is not an adult.

This bill amends the definition of "sexually oriented business" to include any business other than an adult cabaret that offers an adult cabaret performance.

This amended definition is provided for as it relates to regulations and restrictions of sexually oriented businesses (Section 67.2540, RSMo); billboard advertisements for sexually oriented businesses (Section 226.531); and where sexually oriented businesses may be located (Section 573.010).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this bill responds to growing concerns about protecting innocent children. The concern for protecting innocent children is a universal, non-partisan issue. Freedom to be a child and to be afforded safe development is important. This bill applies the laws equally. Drag performances are inappropriate for children, and this bill prevents inappropriate shows and atmospheres for children.

Testifying in person for the bill were Representative Baker; Cassie Bradley Vaughn.

OPPONENTS: Those who oppose the bill say that this bill captures and punishes behavior that is not sexual in nature. Drag performers are not predators, but are instead members of the

community. This bill goes too far and is too ill-defined, ultimately capturing more activity than is intended and can be known. Economic stagnation in Missouri is in part due to the stigma and belief Missouri is a restrictive state that fails at being inclusive. Drag performance has been present in Missouri for the last 50 years, and drag performers know to act appropriately around children. Drag is not inherently sexual but, drag performers have been subject to trauma and violence. This bill does not protect children, but instead punishes appropriate, non-sexual conduct.

Testifying in person against the bill were Melody Ortloff; Patrick Thomas Mann; Vanessa Wellbery, Advocates of Planned Parenthood of the St. Louis Region and Southwest Missouri; Debi Jackson; Kerri Schafer; Rev. Mike Angell; Stacy Cay; Pro Choice Missouri; Aric McCarty (May O'Naise); Ashley Quinn, National Avenue Christian Church; Brandon Michael Banks, Nclusion Inc. DBA Nclusion Plus; Connor Thompson; David Hall/Kaycee Adams; Felecia Kempen; Jordan Braxton; Luke James; Shawn Stokes; Christine Hyman; Susan Halla, Transparent; Dakota Allen; Jamie Cayley; Jennifer Hill, Yes Honey Studio; Corey Hyman; Tom Jackson; Danielle Meert; James Thuro; Struby K. Struble; and Rachl Aguirre.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.