

HB 321 -- SEXUALLY ORIENTED BUSINESSES

SPONSOR: Emery

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 9 to 4 with 1 present.

This bill regulates sexually oriented businesses by limiting their geographic location, ownership interests, state of dress and actions of persons within the sexually oriented business, minimum age of patrons, use or sale of alcohol on site, hours of operation, and location of private viewing booths within the sexually oriented business and specifies the penalties for violations of these restrictions.

FISCAL NOTE: No impact on state funds in FY 2010, FY 2011, and FY 2012.

PROPOSERS: Supporters say that the bill will provide communities with a measure of security from what are inaccurately called "adult businesses." The bill establishes recognizable, definable community standards, because there are very clear secondary and tertiary effects on communities where sexually oriented businesses are located. The definitions used do not violate the constitutional right to free speech, and this language has already cleared the court system. The bill will allow limited zoning powers regarding these businesses even if there is not countywide zoning which is very important in many rural communities.

Testifying for the bill were Representative Emery; Scott D. Bergthold; John L. Putnam, Citizens for a Decent Environment; Dr. John P. Splinter, National Coalition for the Protection of Children and Families; Dawnissa Lawrence; Missouri Eagle Forum; Terry Franklin, The Show; Missouri Family Network; and Missouri Baptist Convention, Christian Life Commission.

OPPOSERS: Those who oppose the bill say that it unconstitutionally infringes upon a content-based form of expression, it will have an adverse economic impact on local economies, the "secondary effects" studies have not been scientifically rigorous, and the regulation of sexually oriented businesses should be done at the local level.

Testifying against the bill were Missouri Association of Club Executives; Daniel Linz; Nellie Symm-Gruender, Passions Video, Incorporated, Passions, Too, Passions in Columbia; Angelina Spencer, Association of Club Executives National; and American Civil Liberties Union of Eastern Missouri.