

SECOND REGULAR SESSION

SENATE BILL NO. 1102

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WESTFALL.

Read 1st time February 4, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4478S.011

AN ACT

To repeal section 191.680, RSMo, relating to nuisance, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 191.680, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 191.680, to read as follows:

191.680. 1. Any person who shall erect, establish, continue, maintain, use, own, or lease any building, structure, or place used for the purpose of lewdness, assignation, or illegal purpose involving sexual or other contact through which transmission of HIV infection can occur is guilty of maintaining a nuisance.

2. The building, structure, or place, or the ground itself, in or upon which any such lewdness, assignation, or illegal purpose is conducted, permitted, carried on, continued, or exists, and the furniture, fixtures, musical instruments, and movable property used in conducting or maintaining such nuisance, are hereby declared to be a nuisance and shall be enjoined and abated as provided in subsection 3 of this section.

3. If the existence of a nuisance is admitted or established in an action pursuant to this section or in a criminal proceeding in any court, an order of abatement shall be entered as part of the judgment in the case. The order shall direct the effectual closing of the business for any purpose, and so keeping it closed for a period of one year.

4. The department of health and senior services **or a county prosecutor with jurisdiction** shall file suit in its own name in any court of competent jurisdiction to enforce the provisions of this section.