

Cracking Down on Smut Shops

As a legislator and a member of several area chambers of commerce, I am very interested in making Eastern Jackson County and the State of Missouri a place where businesses can thrive. Businesses, like the hundreds of small businesses based here locally, drive our economy, provide jobs and pay the taxes that pave our streets and help educate our kids. Any way you slice it, small businesses help form the very foundation of our communities. Most of the recent job growth has come from the small business sector. When the small business sector thrives, the economy as a whole thrives.

However, there is one type of business that like a bad weed has taken deep root in Missouri. These are businesses that prey on our kids, drive down property values, promote an increase in crime and attack the moral fabric of our civilization. These businesses are the seedy porn businesses that have become far too common in our state.

Regular readers will recall previous columns discussing my efforts to pass a law to restrict smut shops from posting billboards within one mile of a state highway. An overwhelming majority of the legislature joined with me to remove this blight on our public roadways by passing this bill which was signed by the governor and became law on August 28th of this year.

I want to bring you up to speed on the status of this new law, which as we anticipated was immediately challenged in federal court by the smut shop operators. I also wanted to let readers know that I will redouble my efforts to protect our communities from the harmful effects of these types of businesses in the next legislative session. If you travel throughout the country you will observe that Missouri has a much higher concentration of porn shops than other states. This is due, in part, to the inadequate shape of our laws.

First, let me update you on the status of the billboards law. Many of you have commented on the fact that many of the most offensive billboard have been removed. I am pleased to report that in response to this legislative effort, the Missouri billboard industry is attempting to clean up its act. However, not all of the companies have joined in that effort. Also, the new law gives existing billboards three years to come into compliance. Whether our roadways are free and clear from these aggressive, lurid messages will depend on how the pending court case is resolved.

The case is currently pending in the Federal District Court for the Western District of Missouri. We anticipate a ruling on the constitutionality of the law sometime early next year. The decision will likely be appealed to the 8th Circuit Court of Appeals regardless of which side wins.

In the upcoming 2005 legislative session, I plan to file a bill that will help to bring some law and order to the adult businesses that currently operate with far too little oversight. Here is a sample of the bill's many provisions.

The bill will increase the age of performers and patrons of these establishments and will prohibit nudity. It is truly sad that the purveyors of this type of entertainment prey on the very young. Before these kids are mature enough to understand the implications of their decisions they are exploited for the financial gain of their employers.

My bill will also limit the hours of operation for these establishments. No longer will they be allowed to operate during the middle of the night or on Sundays or holidays. Prior court decisions have upheld the right of legislative bodies to limit these hours. In fact, the bill we are drafting is designed to comply with many previous court decisions that clearly set forth what the legislature can restrict without offending the Constitution. Fighting to protect our communities from the harmful effects of these businesses promises to be a long battle that will likely face many legal challenges but it is time to put the purveyors of sleaze on notice that Missouri is not “porn central.” They have invaded our neighborhoods and it is high time that we fight back.

If you have comments or questions about this week’s column or any other matter involving state government, please do not hesitate to contact me. You can reach my office by e-mail at matt_bartle@senate.state.mo.us or by phone at (888) 711-9278.