

LEGISLATURE PASSES BILL TO REGULATE SEXUALLY ORIENTED BUSINESSES

At 6:00 p.m. on Friday, May 13th the 2005 legislative session officially came to a close. For the past several weeks I have been keeping you updated on bills of special importance that were working their way through the legislative process. Now, as the dust settles from the last hectic days of the session, we can finally take stock of which bills did pass and which ones fell short of passage by Friday's constitutional deadline.

Over the next several weeks I'll be recapping the details of several bills that were passed this year. This week I want to focus on one of my priority pieces of legislation, a proposal imposing common sense regulations on sexually oriented businesses, smut shops and adult cabarets, across Missouri. This legislation was passed literally two hours before session ended and capped off months of work researching, drafting and shepherding the proposal through the legislature. There were many tense moments leading up to Friday's final passage of the bill and at times I was doubtful that the proposal would become law. One rule of thumb in the legislature is that it is much easier to kill a bill than to pass one and this proposal came perilously close to an untimely death on many occasions. The smut shops hired an aggressive and very effective lobbying firm to oppose my efforts. Fighting skilled lobbyists is extremely difficult.

The dramatic expansion of the pornography industry across the State of Missouri was a matter the legislature could no longer ignore. For too long these 'smut shops' have been allowed to sprout up across our state and have given Missouri a reputation for being soft on the pornography industry. This session, the Missouri General Assembly moved decisively to regulate this industry that for too long had gone virtually unchecked in many parts of the state.

The bill passed by the legislature requires sexually oriented businesses and adult cabarets to follow strict rules of operation. The bill bans full nudity, requires that performers be kept a reasonable distance from patrons, prohibits anyone under the age of 21 from being on the property or working at such a business, and bans private viewing rooms. The bill also allows a sexually oriented business to be closed if illegal activity is allowed to occur on its premises.

The harmful impact smut shops have on the communities in which they locate are well-documented: increasing crime and driving down property values. This bill is a giant step forward in efforts to protect our neighborhoods from the harm this industry causes. It is for this very reason that courts routinely uphold efforts to regulate this industry in spite of the fact that they are protected by the First Amendment. While smut shops enjoy some constitutional protection, the courts have ruled that communities are not powerless and have a right to protect themselves from the negative effects smut shops cause.

This bill will soon be on the governor's desk and he is expected to sign it into law. I have no doubt that the pornography industry will immediately sue the state to keep these meaningful regulations from going into effect but the law will be vigorously defended in court. I'll keep you updated as this story develops.

If you have comments or questions about this column or any other matter involving state government, please contact my office at matt_bartle@senate.state.mo.us or call toll free at (888) 711-9278.

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