

SECOND REGULAR SESSION

SENATE BILL NO. 737

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3687S.011

AN ACT

To amend chapter 573, RSMo, by adding thereto one new section relating to sexually oriented businesses, with penalty provisions.

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

Section A. Chapter 573, RSMo, is amended by adding thereto one new
2 section, to be known as section 573.512, to read as follows:

573.512. 1. As used in this section, the following terms mean:

2 (1) "Adult cabaret", a nightclub, bar, restaurant, or similar
3 establishment in which persons regularly appear in a state of nudity or
4 seminudity in the performance of their duties;

5 (2) "Employee", a person who performs any service on the
6 premises of a sexually oriented business on a full-time, part-time, or
7 contract basis, whether or not the person is denominated an employee,
8 independent contractor, agent, or otherwise, and whether or not said
9 person is paid a salary, wage, or other compensation by the operator
10 of said business;

11 (3) "Nudity", the showing of the human male or female genitals,
12 pubic area, vulva, anus, anal cleft or anal cleavage with less than a
13 fully opaque covering, the showing of the female breast with less than
14 a fully opaque covering of any part of the nipple, or the showing of the
15 covered male genitals in a discernibly turgid state;

16 (4) "Seminude" or in a "seminude condition", a state of dress in
17 which opaque clothing fails to cover the genitals, anus, anal cleft or
18 cleavage, pubic area, vulva, nipple and areola of the female breast
19 below a horizontal line across the top of the areola at its highest
20 point. Seminudity shall include the entire lower portion of the female
21 breast, but shall not include any portion of the cleavage of the human

22 female breast exhibited by wearing apparel provided the areola is not
23 exposed in whole or part.

24 (5) "Sexually oriented business", an adult cabaret or any business
25 which offers its patrons goods of which a substantial or significant
26 portion are sexually oriented material. No building, premises,
27 structure, or other facility that contains any sexually oriented business
28 shall contain any other kind of sexually oriented business;

29 (6) "Sexually oriented material", any pictorial or
30 three-dimensional material, or film, motion picture, DVD, video
31 cassette, or similar photographic reproduction, that depicts nudity or
32 sexual conduct, sexual excitement, or sadomasochistic abuse, as defined
33 in section 573.010;

34 (7) "Specified sexual activities", includes the following acts:

35 (a) The fondling or other erotic touching of human genitals,
36 pubic region, buttocks, anus, or female breasts;

37 (b) Sex acts, actual or simulated, including intercourse, oral
38 copulation, masturbation, or sodomy; or

39 (c) Excretory functions as part of or in connection with any of
40 the activities set forth in this subdivision.

41 2. It shall be a class A misdemeanor for a person in a sexually
42 oriented business to knowingly and intentionally appear in a state of
43 nudity or depict, simulate, or perform specified sexual activities.

44 3. It shall be a class A misdemeanor for a person to appear
45 knowingly or intentionally in a sexually oriented business in a
46 seminude condition unless the person is an employee who, while
47 seminude, shall be at least ten feet from any patron or customer and on
48 a stage at least two feet from the floor and behind a railing no less than
49 twenty-four inches in height.

50 4. It shall be a class A misdemeanor for an employee while
51 seminude in a sexually oriented business to solicit any pay or gratuity
52 from any patron or customer or for any patron or customer to pay or
53 give any gratuity to any employee, while said employee is seminude in
54 a sexually oriented business.

55 5. It shall be a class A misdemeanor for an employee of a sexually
56 oriented business while seminude to touch a customer or patron or the
57 clothing of a customer or patron.

58 6. No sexually oriented business may remain open at any time

59 between the hours of 10:00 p.m. and 10:00 a.m. on weekdays and
60 Saturdays. Such businesses shall be closed on all official state or
61 federal holidays and Sundays.

62 7. The provisions of this section are designed to protect the
63 following public policy interest of this state, including but not limited
64 to: to mitigate the adverse secondary effects of sexually oriented
65 businesses, to limit harm to minors, and to reduce prostitution, crime,
66 juvenile delinquency, deterioration in property values and lethargy in
67 neighborhood improvement efforts.

Unofficial ✓

Bill

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