

SENATE BILL REPORT

ESSB 6130

As Passed Senate, February 7, 1996

Title: An act relating to standards of conduct for adult cabarets and adult theaters.

Brief Description: Providing standards of conduct for adult cabarets and adult theaters.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senator Fairley).

Brief History:

Committee Activity: Law & Justice: 1/23/96, 1/31/96 [DPS].
Passed Senate, 2/7/96, 45-2.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6130 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Staff: Cynthia Runger (786-7717)

Background: Presently there are no statutes regulating the standards of conduct for adult cabarets and theaters. Adult cabarets and theaters feature entertainment involving nudity or seminudity, or the depiction of sexual acts. Sexually orientated expression is protected under the federal and state constitutions. However, it is not beyond regulation. Regulating without unduly restraining protected expression is permissible when it is aimed at curbing adverse secondary affects.

It has been suggested that regulating these businesses would decrease the amount of illegal activities that occur on these premises.

Summary of Bill: A new chapter is created for the regulation of adult entertainment businesses which establishes standards of conduct for employees, entertainers and customers of adult cabarets and adult theaters. No entertainers may appear nude or seminude in any part of the premises opened to the public except the performance area, No person may engage in any type of sexual conduct, and physical contact between customers and entertainers is prohibited. Customers are prohibited from going within eight feet of the performance area. Entertainers may not accept any gratuity. No person may maintain any kind of warning system to alert the customers and employees that the police, health, fire or building inspectors or other public officials are approaching.

In adult entertainment establishments, at least one employee who is not working as an entertainer must be present in any public area during all hours of operation. Except for public restrooms, all doors available for public use may not be locked during business hours. Sufficient lighting must be provided so that all objects are plainly visible and written

instruments printed in eight-point type are readable from two feet away. There is an exception for nonobscene dramatic works. Cities and counties may adopt ordinances that are more restrictive than the state standard.

This chapter contains a severability clause.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Statewide standards are necessary because some smaller jurisdictions do not have the funds to defend or enforce their ordinances.

Testimony Against: The bill has constitutional problems, i.e. it's overbroad, there's a prior restraint, etc. The least restrictive means are not utilized. The eight-foot requirement is excessive.

Testified: Senator Fairley, prime sponsor (pro); James Covey, King Co. Police Department (pro); Jack Burns, attorney (con); Gilbert Levy, attorney (con); Robert Thompson, Des Moines Police Department (pro).