



2023 SENATE BILL 56

February 14, 2023 - Introduced by Senator JACQUE, cosponsored by Representatives BODDEN, WICHGERS, BEHNKE, BRANDTJEN, DONOVAN, GUNDRUM, MURPHY, ORTIZ-VELEZ, PENTERMAN, SINICKI and SUBECK. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to create* 134.47 of the statutes; **relating to:** requirements for
2 adult-entertainment establishments and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill creates requirements and prohibitions for adult-entertainment establishments. “Adult-entertainment establishment” is defined in the bill as a commercial establishment, business, or service that is distinguished by an emphasis on the offering of, or in which the predominant business or attraction is the offering of, sexually oriented material, devices, paraphernalia, or presentations or sexual activities, services, exhibitions, or performances. “Adult-entertainment establishment” does not include health care facilities, institutions of higher education, nonprofit organizations, or schools.

The bill prohibits adult-entertainment establishments from being owned or operated by a person who has been convicted of certain offenses, such as prostitution, a sex offense against a child, or human trafficking, or who has been an owner or operator of an adult-entertainment establishment that was declared a public nuisance or that knowingly employed a victim of a human trafficking offense. The bill also prohibits adult-entertainment establishments from having employees under the age of 18. The bill also prohibits adult-entertainment establishments from knowingly allowing a violation of the Uniform Controlled Substances Act, certain obscenity laws, and certain sex or human trafficking laws to occur on the premises of the adult-entertainment establishment. The bill also requires adult-entertainment establishments to post a human trafficking poster created by the Department of Justice and a poster distributed by the federal Department of

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Homeland Security that provides human trafficking information in a prominent location for employees to view. The bill also requires adult-entertainment establishments to furnish a list of the adult-entertainment establishment's employees, operators, and owners to local law enforcement officials upon request. Adult-entertainment establishments or interested persons that violate the requirements or prohibitions of the bill are subject to a \$10,000 forfeiture for each day the adult-entertainment establishment or interested person is in violation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 134.47 of the statutes is created to read:

2 **134.47 Requirements for adult-entertainment establishments. (1)**

3 DEFINITIONS. In this section:

4 (a) "Adult-entertainment establishment" means a commercial establishment,
5 business, or service that is distinguished by an emphasis on the offering of, or in
6 which the predominant business or attraction is the offering of, sexually oriented
7 material, devices, paraphernalia, or presentations or sexual activities, services,
8 exhibitions, or performances, but not including any of the following:

9 1. Health care facilities.

10 2. Institutions of higher education.

11 3. Nonprofit organizations.

12 4. Schools.

13 (b) "Disqualifying offense" means any of the following:

14 1. A criminal violation of subch. IV or V of ch. 944, subch. VI of ch. 946, or ch.
15 961.

16 2. A violation of s. 940.302 or 948.051 or another sex trafficking offense.

17 3. A criminal violation of ch. 948 that relates to sexual assault, sexual abuse,
18 or sexual exploitation of a child.

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1 4. A violation of s. 940.32.

2 (c) "Employee" means an individual who performs a service on the premises of
3 an adult-entertainment establishment, including an individual who is an
4 independent contractor or agent but excluding an individual on the premises only for
5 repair or maintenance or for delivery of goods.

6 (d) "Interested person" means any of the following:

7 1. An individual who has the legal authority to manage or control operations
8 or policies of an adult-entertainment establishment.

9 2. An individual who holds a management position in an entity that has the
10 legal authority to manage or control operations or policies of an adult-entertainment
11 establishment.

12 3. A person that has a financial interest of at least 30 percent in an
13 adult-entertainment establishment.

14 **(2) ESTABLISHMENT REQUIREMENTS.** (a) An interested person at an
15 adult-entertainment establishment may not have been convicted of a disqualifying
16 offense.

17 (b) An interested person at an adult-entertainment establishment may not
18 have been an interested person at another adult-entertainment establishment that
19 was declared a public nuisance or that was subject to a penalty under sub. (4).

20 (c) An adult-entertainment establishment shall display the poster described
21 in s. 165.71 (1) and a poster distributed by the federal department of homeland
22 security that provides human trafficking information in a prominent location for
23 employees to view.

24 (d) An adult-entertainment establishment shall not employ an employee
25 under the age of 18.

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1 (e) An adult-entertainment establishment shall not knowingly allow a
2 violation of s. 940.302 or 948.051 or another sex trafficking offense to occur on the
3 premises of the adult-entertainment establishment.

4 (f) An adult-entertainment establishment shall not knowingly allow a
5 violation of ch. 961 to occur on the premises of the adult-entertainment
6 establishment.

7 (g) An adult-entertainment establishment shall not knowingly allow a
8 violation of subch. V of ch. 944 to occur on the premises of the adult-entertainment
9 establishment.

10 **(3) EMPLOYMENT RECORDS.** (a) A law enforcement officer of a city, village, town,
11 or county in which an adult-entertainment establishment conducts business who
12 presents his or her credentials at the adult-entertainment establishment during
13 business hours may request that the adult-entertainment establishment furnish a
14 list of all of the adult-entertainment establishment's employees, including each
15 employee's full name and date of birth, and the adult-entertainment establishment's
16 interested persons. An adult-entertainment establishment shall comply with a
17 request under this paragraph by submitting to the requesting law enforcement
18 officer a list of all employees and interested persons of the adult-entertainment
19 establishment not later than the business day following the request.

20 (b) Notwithstanding s. 19.35 (1), a law enforcement officer or agency that
21 receives a list under par. (a) may disclose it only to another law enforcement officer
22 or agency.

23 **(4) PENALTIES.** (a) Any adult-entertainment establishment or interested
24 person violating sub. (2) or (3) shall be subject to a forfeiture not to exceed \$10,000.

