



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1450/1
CMH:cjs

2019 SENATE BILL 731

January 29, 2020 - Introduced by Senator JACQUE, cosponsored by Representatives WICHGERS, EMERSON, KULP, L. MYERS, SINICKI, SUBECK, C. TAYLOR and TUSLER. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

1 **AN ACT** *to create* 20.455 (2) (gq) and 165.715 of the statutes; **relating to:**
2 registration requirements for adult-entertainment establishments and
3 making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a registry in the Department of Justice for adult-entertainment establishments. Under the bill, an adult-entertainment establishment must register with DOJ and an individual must be registered with DOJ to be an employee at an adult-entertainment establishment. An adult-entertainment establishment must pay a \$300 registration fee and an employee must pay a \$50 registration fee. DOJ may not register an adult-entertainment establishment under certain conditions, such as if an owner has been convicted of certain offenses, such as prostitution, a sex offense against a child, or human trafficking or has been an owner of an adult-entertainment establishment that was declared a public nuisance or that knowingly employed a victim of a human trafficking offense. DOJ may not register an employee if the employee has been convicted of the same offenses as those above or if the employee has been a victim of a human trafficking offense. Under the bill, an adult-entertainment establishment must notify DOJ if an employee is hired or ends his or her employment at the establishment, must display a poster for a human trafficking resource center hotline, and must maintain an employee identification card issued by DOJ for each employee. Adult-entertainment establishments that violate requirements under this bill are subject to having their registration

SENATE BILL 731

suspended, to being prohibited from operating for certain periods of time, and, if the adult-entertainment establishment knowingly employs a victim of human trafficking, to being permanently closed. DOJ must keep all registry information confidential unless it is needed for law enforcement purposes.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.455 (2) (gq) of the statutes is created to read:

2 20.455 (2) (gq) *Registration fees for adult-entertainment establishments.* All
3 moneys received as fee payments under s. 165.715 (2) for administration and
4 enforcement of s. 165.715.

5 **SECTION 2.** 165.715 of the statutes is created to read:

6 **165.715 Registration requirements for adult-entertainment**
7 **establishments. (1) DEFINITIONS.** In this section:

8 (a) “Adult-entertainment establishment” means a commercial establishment,
9 business, or service that offers sexually oriented material, devices, paraphernalia,
10 or presentations or sexual activities, services, exhibitions, or performances.

11 (b) “Department” means the department of justice.

12 (c) “Disqualifying offense” means any of the following:

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

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

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

18 4. A violation of s. 940.32.

SENATE BILL 731

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

5 (e) "Interested person" means any of the following:

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

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

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

13 **(2) REGISTRATION REQUIREMENTS.** (a) An adult-entertainment establishment
14 may not operate unless the adult-entertainment establishment registers with the
15 department under sub. (3) and submits a \$300 registration fee.

16 (b) An individual may not be an employee unless the individual registers with
17 the department under sub. (4) and submits a \$50 registration fee.

18 **(3) REGISTRATION OF THE ADULT-ENTERTAINMENT ESTABLISHMENT.** (a) The
19 department shall design a registration form and make it available on its Internet
20 site. An adult-entertainment establishment shall request registration by providing
21 the department with the following:

22 1. The name and mailing address of the person that is submitting the form.
23 If the person is a corporation, any other information the department requests for
24 purposes of this section, and, if the person is an individual, a copy of photographic
25 identification.

SENATE BILL 731**SECTION 2**

1 2. The name, address, and telephone number of the adult-entertainment
2 establishment.

3 3. The name of any interested person at the adult-entertainment
4 establishment that has been convicted of a crime, the crime committed, and the date
5 the crime was committed.

6 4. The name of any interested person at the adult-entertainment
7 establishment that was an interested person at another adult-entertainment
8 establishment that was declared a public nuisance or that was subject to a penalty
9 under sub. (6).

10 5. A diagram drawn to scale of the configuration of the adult-entertainment
11 establishment, including the total floor space of the adult-entertainment
12 establishment.

13 (b) No later than 30 days after the department receives a registration form from
14 an adult-entertainment establishment, the department shall provide the
15 establishment with one of the following:

16 1. A certificate of registration if the form is complete, the establishment has
17 submitted the registration fee, and the establishment is not disqualified due to any
18 of the following:

19 a. An interested person at the adult-entertainment establishment was
20 convicted of a disqualifying offense if, for a misdemeanor offense, less than 2 years
21 have elapsed since the later of the conviction or the completion of any incarceration
22 or probation imposed for the misdemeanor or if, for a felony offense, less than 5 years
23 have elapsed since the later of the conviction or the completion of any incarceration
24 or probation imposed for the felony.

SENATE BILL 731

1 b. An interested person at the adult-entertainment establishment was an
2 interested person at another adult-entertainment establishment that was declared
3 a public nuisance within the previous 5 years, that was subject to a penalty under
4 sub. (6) (d), or that is currently prohibited from operating under sub. (6) (a), (b), or
5 (c).

6 2. If the form is incomplete, the establishment is disqualified under subd. 1. a.
7 or b., or the establishment has not submitted the registration fee, a letter indicating
8 why the department cannot register the adult-entertainment establishment.

9 (c) The department shall suspend the registration of an adult-entertainment
10 establishment, and shall notify the adult-entertainment establishment of the
11 suspension, if any of the following applies:

12 1. The department determines that the adult-entertainment establishment is
13 disqualified under par. (b) 1. a. or b.

14 2. The department determines that the adult-entertainment establishment is
15 violating sub. (5).

16 3. The department determines that the adult-entertainment establishment is
17 employing an individual who does not have a valid photographic identification card
18 issued under sub. (4) (b) 1. or whose registration was suspended under sub. (4) (c).

19 **(4) EMPLOYEE REGISTRATION.** (a) The department shall design a registration
20 form and make it available on its Internet site. An employee shall request
21 registration by providing the department with the following:

22 1. The employee's name, including any aliases and stage names; address; and
23 telephone number.

24 2. The employee's date of birth, a state or federal photographic identification
25 that indicates that the employee is at least 18 years of age, and a photograph of the

SENATE BILL 731**SECTION 2**

1 employee that meets the department's specifications for the department to use on the
2 photographic identification under par. (b) 1.

3 3. The name, telephone number, and address of each adult-entertainment
4 establishment at which the employee provides or intends to provide services.

5 4. If the employee has been convicted of a crime, the crime and the date of
6 conviction.

7 5. A statement of whether the employee has been a victim of s. 940.302 or
8 948.051 or another sex trafficking offense.

9 (b) No later than 30 days after the department receives a registration form from
10 an employee, the department shall provide the employee with one of the following:

11 1. A photographic identification card if the form is complete, the employee has
12 submitted the registration fee, and the employee is not disqualified due to any of the
13 following:

14 a. The employee was convicted of a disqualifying offense if, for a misdemeanor
15 offense, less than 2 years have elapsed since the later of the conviction or the
16 completion of any incarceration or probation imposed for the misdemeanor or if, for
17 a felony offense, less than 5 years have elapsed since the later of the conviction or the
18 completion of any incarceration or probation imposed for the felony.

19 b. The employee has been a victim of s. 940.302 or 948.051 or another sex
20 trafficking offense.

21 2. If the form is incomplete, the employee is disqualified under subd. 1. a. or
22 b., or the employee has not submitted the registration fee, a letter indicating why the
23 department cannot register the employee.

SENATE BILL 731

1 (c) The department shall suspend a registration, and shall notify each
2 employee and each adult-entertainment establishment that employs the employee
3 of the suspension, if any of the following applies:

4 1. The department determines that the employee provided false information
5 when registering under par. (a).

6 2. The department determines that the employee is under the age of 18.

7 3. The department determines that the employee is disqualified under par. (b)
8 1. a. or b.

9 **(5) REPORTING AND POSTING REQUIREMENTS.** (a) An adult-entertainment
10 establishment shall provide notice to the department if any of the following occurs:

11 1. The adult-entertainment establishment hires or terminates an employee.

12 2. An employee ceases employment at the adult-entertainment establishment
13 for more than 30 days even if the employee intends to return to employment at the
14 adult-entertainment establishment.

15 (b) An adult-entertainment establishment shall display the poster described
16 in s. 165.71 (1) in a prominent location for employees to view.

17 (c) An adult-entertainment establishment shall maintain on the premises the
18 photographic identification card under sub. (4) (b) 1. for each employee and, upon
19 request, shall provide that card only to the department or to law enforcement for
20 inspection.

21 **(6) PENALTIES.** (a) An adult-entertainment establishment that violates sub.
22 (2) (a) or operates while its registration is suspended under sub. (3) (c) is subject to
23 the following:

SENATE BILL 731**SECTION 2**

1 1. If the violation is the first violation, the adult-entertainment establishment
2 is prohibited from operating until the adult-entertainment establishment complies
3 with this section.

4 2. If the violation is the 2nd violation, the adult-entertainment establishment
5 is prohibited from operating until the adult-entertainment establishment complies
6 with this section or 30 days have passed since the prohibition took effect, whichever
7 is later.

8 3. If the violation is the 3rd or subsequent violation, the adult-entertainment
9 establishment is prohibited from operating until the adult-entertainment
10 establishment complies with this section or 180 days have passed since the
11 prohibition took effect, whichever is later.

12 (b) An adult-entertainment establishment that knowingly provides false
13 information on a registration form when registering under sub. (3) is prohibited from
14 operating for at least 90 days.

15 (c) An adult-entertainment establishment that knowingly does any of the
16 following shall be prohibited from operating for at least one year:

17 1. Allows a violation of ch. 961 to occur on the premises of the
18 adult-entertainment establishment.

19 2. Allows a violation of subch. V of ch. 944 to occur on the premises of the
20 adult-entertainment establishment.

21 (d) An adult-entertainment establishment that knowingly employs an
22 individual who has been a victim of s. 940.302 or 948.051 or another sex trafficking
23 offense is prohibited from operating permanently.

24 **(7) CONFIDENTIALITY OF REGISTRY.** (a) The department shall keep confidential
25 all information provided under this section except that the department shall make

SENATE BILL 731

1 the information available to a law enforcement agency or law enforcement officer for
2 law enforcement purposes. Any information provided under this section that is in
3 the possession of the department or a law enforcement agency is confidential and not
4 open to public inspection or copying under s. 19.35 (1).

5 (b) Any law enforcement agency or law enforcement officer that receives
6 information under par. (a) shall keep the information confidential unless disclosure
7 is necessary to perform a law enforcement function.

8 **(8) ENFORCEMENT.** The attorney general shall enforce this section.

9 **(END)**