



2021 ASSEMBLY BILL 897

January 21, 2022 - Introduced by Representatives WICHGERS, PENTERMAN, ALLEN, BRANDTJEN, EMERSON, GUNDRUM, MILROY, J. RODRIGUEZ, SKOWRONSKI, SUBECK, THIESFELDT, SCHRAA, BEHNKE and JAMES, cosponsored by Senators JACQUE, RINGHAND and WANGGAARD. Referred to Committee on Regulatory Licensing Reform.

1 **AN ACT** *to create* 134.47 of the statutes; **relating to:** requirements for
2 adult-entertainment establishments and providing for 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 offers sexually oriented material, devices, paraphernalia, or presentations or sexual activities, services, exhibitions, or performances.

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, or employees who have been the victim of certain sex or human trafficking offenses. The bill also prohibits adult-entertainment establishments from knowingly allowing a violation of the Uniform Controlled Substances Act or certain obscenity laws 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 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

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establishments that violate the requirements or prohibitions of this bill are subject to a \$10,000 forfeiture for each day the adult-entertainment establishment 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 offers sexually oriented material, devices, paraphernalia,
6 or presentations or sexual activities, services, exhibitions, or performances.

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

8 1. A criminal violation of subch. IV or V of ch. 944, subch. VI of ch. 946, or ch.
9 961.

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

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

13 4. A violation of s. 940.32.

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

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

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

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

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

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

9 (b) An interested person at an adult-entertainment establishment may not
10 have been an interested person at another adult-entertainment establishment that
11 was declared a public nuisance or that was subject to a penalty under sub. (3).

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

14 (d) An adult-entertainment establishment may not employ an employee under
15 the age of 18.

16 (e) An adult-entertainment establishment shall not knowingly employ an
17 employee who is or has been a victim of s. 940.302 or 948.051 or another sex
18 trafficking offense.

19 (f) An adult-entertainment establishment shall not knowingly allow a
20 violation of ch. 961 to occur on the premises of the adult-entertainment
21 establishment.

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

