



January 31, 2014

SENATE BILL No. 272

DIGEST OF SB 272 (Updated January 29, 2014 6:04 pm - DI 106)

Citations Affected: IC 7.1-3.

Synopsis: Alcoholic beverage licenses. Requires a person who holds an alcohol permit for an establishment that provides adult entertainment to: (1) require adult performers to provide proof of age and legal residency; and (2) have a policy requiring all employees, including adult performers, to notify the owner if a patron, while on the premises of the adult entertainment establishment, offers the employee money in exchange for sexual favors. Permits the alcohol and tobacco commission to suspend, revoke, or refuse to renew the alcohol permit of the owner of an establishment providing adult entertainment if: (1) the owner does not comply with the proof of age and legal residency requirements; (2) the owner does not have a policy requiring notification of unlawful solicitation; or (3) a performer commits certain offenses on the premises and the owner fails to terminate the employee or contact law enforcement.

Effective: July 1, 2014.

Buck, Arnold J, Waterman

January 13, 2014, read first time and referred to Committee on Public Policy.
January 21, 2014, reassigned to Committee on Commerce, Economic Development and Technology.
January 30, 2014, amended, reported favorably — Do Pass.

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January 31, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 272

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 7.1-3-23-20.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: **Sec. 20.5. (a) As used in this section,**
4 **"adult entertainment" means adult oriented entertainment in**
5 **which performers disrobe or perform in an unclothed state for**
6 **entertainment.**
7 **(b) This section applies to the holder of a retailer's permit that**
8 **provides adult entertainment on the licensed premises.**
9 **(c) The holder of a retailer's permit that provides adult**
10 **entertainment on the licensed premises shall do the following:**
11 **(1) Require a performer who provides adult entertainment on**
12 **the licensed premises to provide proof of age by means of a:**
13 **(A) state issued driver's license;**
14 **(B) state issued identification card; or**
15 **(C) passport;**
16 **showing the performer to be at least eighteen (18) years of**

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- 1 age.
- 2 **(2) Require a performer who provides adult entertainment on**
- 3 **the licensed premises to provide proof of legal residency in the**
- 4 **United States by means of:**
- 5 **(A) a birth certificate;**
- 6 **(B) a Social Security card;**
- 7 **(C) a passport;**
- 8 **(D) valid documentary evidence described in IC 9-24-9-2.5;**
- 9 **or**
- 10 **(E) other valid documentary evidence issued by the United**
- 11 **States demonstrating that the performer is entitled to**
- 12 **reside in the United States.**
- 13 **(3) Adopt a policy requiring all employees and contract**
- 14 **employees of the licensed premises, including a performer**
- 15 **who provides adult entertainment on the licensed premises, to**
- 16 **notify the holder or the holder's agent if a patron or other**
- 17 **person, while on the licensed premises, pays or offers to pay**
- 18 **the performer, employee, or contract employee to engage in**
- 19 **sexual intercourse, other sexual conduct (as defined in**
- 20 **IC 35-31.5-2-221.5), or fondling of the genitals, in violation of**
- 21 **IC 35-45-4-3 (patronizing a prostitute).**
- 22 **(d) The commission may revoke, suspend, or refuse to renew the**
- 23 **permit issued for the licensed premises if the holder fails to comply**
- 24 **with subsection (c), or if all the following apply:**
- 25 **(1) A performer was convicted of:**
- 26 **(A) prostitution (IC 35-45-4-2);**
- 27 **(B) promoting prostitution (IC 35-45-4-4);**
- 28 **(C) a drug dealing offense (as defined by IC 11-12-3.7-3);**
- 29 **(D) an offense against the person (IC 35-42) if the offense**
- 30 **is:**
- 31 **(i) committed against a patron of the licensed premises;**
- 32 **and**
- 33 **(ii) a felony; or**
- 34 **(E) theft (IC 35-43-4-2), if the offense is committed against**
- 35 **a patron of the licensed premises;**
- 36 **within the previous five (5) years.**
- 37 **(2) The offense was committed on the licensed premises.**
- 38 **(3) The holder of the retailer's permit knew or should have**
- 39 **known that the performer committed or was committing the**
- 40 **offense.**
- 41 **(4) The holder of the retailer's permit did not, as soon as**
- 42 **practicable after investigating the circumstances, terminate**



1 the performer's employment or employment contract or
2 notify a law enforcement agency.
3 (e) In considering whether to revoke, suspend, or refuse to
4 renew a retailer's permit under this section, the commission shall
5 consider the following:
6 (1) The seriousness of the criminal offense.
7 (2) The extent to which the criminal offense affected the
8 patrons of the licensed establishment.
9 (3) The extent to which the holder of the retailer's permit has
10 cooperated with law enforcement in the investigation and
11 prosecution of criminal offenses.



Report of the President
Pro Tempore

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 272, currently assigned to the Committee on Public Policy, be reassigned to the Committee on Commerce and Economic Development and Technology.

LONG

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Economic Development and Technology, to which was referred Senate Bill No. 272, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 9 through 16, begin a new paragraph and insert:

"(c) The holder of a retailer's permit that provides adult entertainment on the licensed premises shall do the following:

(1) Require a performer who provides adult entertainment on the licensed premises to provide proof of age by means of a:

(A) state issued driver's license;

(B) state issued identification card; or

(C) passport;

showing the performer to be at least eighteen (18) years of age.

(2) Require a performer who provides adult entertainment on the licensed premises to provide proof of legal residency in the United States by means of:

(A) a birth certificate;

(B) a Social Security card;

(C) a passport;

(D) valid documentary evidence described in IC 9-24-9-2.5;
or

(E) other valid documentary evidence issued by the United States demonstrating that the performer is entitled to reside in the United States.

(3) Adopt a policy requiring all employees and contract employees of the licensed premises, including a performer who provides adult entertainment on the licensed premises, to



notify the holder or the holder's agent if a patron or other person, while on the licensed premises, pays or offers to pay the performer, employee, or contract employee to engage in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or fondling of the genitals, in violation of IC 35-45-4-3 (patronizing a prostitute).

(d) The commission may revoke, suspend, or refuse to renew the permit issued for the licensed premises if the holder fails to comply with subsection (c), or if all the following apply:

(1) A performer was convicted of:

(A) prostitution (IC 35-45-4-2);

(B) promoting prostitution (IC 35-45-4-4);

(C) a drug dealing offense (as defined by IC 11-12-3.7-3);

(D) an offense against the person (IC 35-42) if the offense is:

(i) committed against a patron of the licensed premises; and

(ii) a felony; or

(E) theft (IC 35-43-4-2), if the offense is committed against a patron of the licensed premises;

within the previous five (5) years.

(2) The offense was committed on the licensed premises.

(3) The holder of the retailer's permit knew or should have known that the performer committed or was committing the offense.

(4) The holder of the retailer's permit did not, as soon as practicable after investigating the circumstances, terminate the performer's employment or employment contract or notify a law enforcement agency."

Page 2, delete line 1.

Page 2, line 2, delete "(d)" and insert "(e)".

Page 2, delete lines 5 through 9.

Page 2, line 10, delete "(3)" and insert "(1)".

Page 2, line 11, delete "(4)" and insert "(2)".

Page 2, line 11, delete "may affect" and insert "affected".

Page 2, after line 12, begin a new line block indented and insert:

"(3) The extent to which the holder of the retailer's permit has



cooperated with law enforcement in the investigation and prosecution of criminal offenses."

and when so amended that said bill do pass.

(Reference is to SB 272 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 9, Nays 0.

