

HOUSE BILL 72

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 7,
relative to adult oriented establishments.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-51-1401(4), is amended by inserting the following language as a new subdivision:

(D) "Adult cabarets" as defined in subdivision (2) of this section.

SECTION 2. Tennessee Code Annotated, Section 7-51-1401, is amended by adding the following language as a new, appropriately designated subdivision:

() "Entertainer" means any person who provides live adult entertainment within an adult-oriented establishment, whether or not a fee is charged or accepted for such live adult entertainment.

SECTION 3. Tennessee Code Annotated, Section 7-51-1406, is amended by designating the existing language as subsection (a) and by deleting the language "Nothing in this part" and by substituting instead the language "Except as provided in subsection (b), nothing in this part".

SECTION 4. Tennessee Code Annotated, Section 7-51-1406, is further amended by adding the following language to be designated as subsections (b) and (c):

(b) Any regulation of adult-oriented establishments enacted by a political subdivision shall, at a minimum, include the following requirements for issuing a permit as an entertainer of an adult-oriented establishment:

(1) To receive a permit as an entertainer of an adult-oriented establishment, an applicant must meet the following standards:

(A)

(i) The applicant shall be at least twenty-one (21) years of age;

(ii) The applicant shall not have had a permit as an entertainer of an adult-oriented establishment revoked within two (2) years immediately preceding the date of the application; and

(iii) The applicant shall not have been convicted of a specified criminal act, as defined in § 7-51-1102, for which:

(a) Less than two (2) years have elapsed since the date of conviction if the conviction is for a misdemeanor offense;

(b) Less than five (5) years have elapsed since the date of conviction if the conviction is for a felony offense; and

(c) Less than five (5) years have elapsed since the date of conviction for two (2) or more misdemeanor offenses occurring within any twelve-month period;

(B) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant;

(C) An applicant who has been convicted of any such specified criminal acts may not be denied a permit based on those convictions once the time period required in subdivision (A)(iii) has elapsed; and

(D) No permit shall be issued until the local law enforcement officer has investigated the applicant's qualifications to receive a permit.

The results of that investigation shall be filed in writing with the local permitting official no later than thirty (30) days after the date of the

application. Such local permitting official shall only deny a permit application for reasons set forth in this subsection.

(2) An applicant desiring to secure a permit as an entertainer shall furnish the following information under oath to the local permitting official:

(A) Name and address, including all aliases;

(B) Written proof that the individual is at least twenty-one (21) years of age;

(C) The applicant's height, weight, color of eyes and hair;

(D) The adult-oriented establishment or similar business permit history of the applicant; whether such person, in previously acting as an entertainer at an adult-oriented establishment in the political subdivision in which the application is filed, or any other political subdivision or state under permit, has had such permit revoked or suspended, the reason for the revocation or suspension, and the business activity or occupation subject to such action of suspension or revocation;

(E) Any conviction for or plea of nolo contendere to a specified criminal act as defined in § 7-51-1102;

(F) Two (2) portrait photographs at least two inches by two inches (2" x 2") of the applicant; and

(G) A statement by the applicant that the applicant is familiar with this subsection.

(3) Within ten (10) days of receiving the results of the investigation conducted by the local law enforcement officer pursuant to subdivision (1)(D), the local permitting official shall notify the applicant that the applicant's application is granted, denied or held for further investigation. Such additional investigation

shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigations, such local permitting official shall advise the applicant in writing whether the application is granted or denied.

(4) If an additional investigation is held that is not caused by actions of the applicant, upon the expiration of the thirtieth day from the filing of the application, the applicant shall be permitted conditionally to work as an entertainer pending a final decision by the local permitting official to deny the application.

(5) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding the application, or the applicant's refusal to submit to or cooperate with any investigation required by this section, constitutes an admission by the applicant that the applicant is ineligible for such permit, and is grounds for denial of the application by the local permitting official.

(c) As used in this section, unless the context otherwise requires:

(1) "Local law enforcement officer" means the sheriff, if the political subdivision issuing the regulations is the county, and the chief of police, if the political subdivision is a municipality or a county having a metropolitan form of government; and

(2) "Local permitting official" means the official designated by the political subdivision to issue permits to an entertainer of an adult-oriented establishment.

SECTION 5. Tennessee Code Annotated, Section 7-51-1116(b)(2), is amended by deleting the language “eighteen (18)” and by substituting instead the language “twenty-one (21)”.

SECTION 6. Tennessee Code Annotated, Section 7-51-1117(a)(1)(A), is amended by deleting the language “eighteen (18)” and by substituting instead the language “twenty-one (21)”.

SECTION 7. This act shall take effect July 1, 2011, the public welfare requiring it.