

2014 -- H 7518

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

Introduced By: Representatives Hearn, and Marcello

Date Introduced: February 13, 2014

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 3-7 of the General Laws entitled "Retail Licenses" is hereby
2 amended by adding thereto the following section:

3 **3-7-7.3-1. Adult entertainment national criminal records check.--** (a) Definitions as
4 used in this section:

5 (1) "Adult entertainment business or establishment" means a business or commercial
6 establishment where employees, operators, owners, and individuals work or perform in the nude.
7 "Nude" is defined to mean exposing to the public view the female breast or the female breast with
8 a covering on the areola thereof; exposing to the public view by employing any devise or
9 covering which is intended to give the appearance or simulate that area of the female breast at or
10 below the areola thereof; exposing to the public view male or female genitals, pubic area, anus,
11 anal cleavage, or anal cleft; or exposing to the public view by employing any device or covering
12 which is intended to give the appearance of or simulate the genitals, pubic area, anus, anal
13 cleavage, or anal cleft.

14 (2) "Applicant" means a person submitting to a national criminal records check as
15 required by this section.

16 (3) "Conviction" means, in addition to judgments of conviction entered by a court
17 subsequent to a finding of guilty or a plea of guilty, those instances where the defendant has
18 entered a plea of nolo contendere and has received a sentence of probation and those instances
19 where a defendant has entered into a deferred sentence agreement with the attorney general.

1 (4) "Disqualifying information" means information produced by a national criminal
2 records check pertaining to a conviction of: §11-5-1, assault with intent to commit specified
3 felonies (murder, robbery, rape, burglary, or the abominable and detestable crimes against
4 nature), §11-34.1-3, procurement of sexual conduct for a fee, §11-34.1-7, pandering or permitting
5 prostitution - not allowed, §11-37-2, first degree sexual assault, §11-37-4, second degree sexual
6 assault; §11-37-6, third degree sexual assault, §1 1-37-8.1, first degree child molestation sexual
7 assault; § 11-37-8.3, second degree child molestation sexual assault, § 11-67-2, involuntary
8 servitude, §11-67-3, trafficking of persons for forced labor or commercial sexual activity, §11-67-
9 6, sex trafficking of a minor, and §21-28-4.01, Manufacture, deliver, or possess with intent to
10 manufacture or deliver a controlled or counterfeit substance, or convictions for similar offenses in
11 another jurisdiction.

12 (4) "Licensing authority" means the entity designated by a city or town to regulate
13 licenses provided in §3-7-7.3.

14 (b) Any person seeking to own or operate an adult entertainment business or
15 establishment, which is, or is required to be, licensed with the licensing authority in which the
16 business or establishment is located, shall undergo a national criminal records check, which shall
17 include fingerprints submitted to the federal bureau of investigation (FBI) by the bureau of
18 criminal identification of the department of attorney general. The national criminal records check
19 shall be processed prior to the granting of such license or upon renewal of such license. All
20 persons who, as of September 1, 2014, are already licensed by the licensing authority shall be
21 exempt for the current licensing period only.

22 (1) Upon the discovery of any disqualifying information, the bureau of criminal
23 identification of the department of attorney general will inform the applicant, in writing, of the
24 nature of the disqualifying information. In addition, the bureau of criminal identification of the
25 department of attorney general will inform the licensing authority, in writing, without disclosing
26 the nature of the disqualifying information, that an item of disqualifying information has been
27 discovered.

28 (2) In those situations in which no disqualifying information has been found, the bureau
29 of criminal identification of the department of attorney general shall inform the applicant and the
30 licensing authority in writing of this fact.

31 (c) Any person seeking employment or seeking to become an independent contractor with
32 an adult entertainment business or establishment, which is, or is required to be, licensed with the
33 licensing authority in which the business or establishment is located, shall undergo a national
34 criminal records check, which shall include fingerprints submitted to the federal bureau of

1 investigation (FBI) by the bureau of criminal identification of the department of attorney general.

2 The national criminal records check shall be processed prior to employment.

3 (1) Upon the discovery of any disqualifying information, the bureau of criminal
4 identification of the department of attorney general will inform the applicant, in writing, of the
5 nature of the disqualifying information. In addition, the bureau of criminal identification of the
6 department of attorney general will inform the operator or owner of the adult entertainment
7 business or establishment, in writing, without disclosing the nature of the disqualifying
8 information, that an item of disqualifying information has been discovered.

9 (2) In those situations in which no disqualifying information has been found, the bureau
10 of criminal identification of the department of attorney general shall inform the applicant and the
11 operator or owner of the adult entertainment business or establishment in writing of this fact.

12 (e) The operator or owner of the adult entertainment business or establishment shall
13 maintain on file, subject to inspection by the licensing authority, evidence that a national criminal
14 records check have been initiated on all employees seeking employment after September 1, 2014,
15 and the results of the checks.

16 (f) Failure to maintain that evidence on file will be prima facie evidence grounds to
17 revoke the license of the adult entertainment business or establishment.

18 (g) The applicant shall be responsible for the cost of conducting the national criminal
19 records check.

20 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

1 This act would require those persons, corporations or other legal entities which are
2 owners, operators, employees or independent contractors of an adult entertainment business or
3 establishment to undergo a national criminal records check.

4 This act would take effect upon passage.

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