



*Synopsis of Senate Committee Amendments**

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The Senate Committee modified the House-passed version of the bill as follows:

(1) It relocated R.C. 3768.02, which sets forth the offenses that prohibit a person from knowingly allowing a juvenile on the premises of an adult entertainment establishment and prohibit a juvenile from knowingly showing or giving false information concerning the juvenile's name or age, or other false information, to gain entrance to an adult entertainment establishment, into the Criminal Code at R.C. 2907.39. It relocated the penalties for those offenses from R.C. 3768.99 to R.C. 2907.39(F), and named them the offenses of "permitting a juvenile on the premises of an adult entertainment establishment" and "use by a juvenile of false information to enter an adult entertainment establishment." It modified R.C. 2151.022 and 2152.02 to specify that a juvenile who commits the second offense is a delinquent child instead of an unruly child.

(2) It relocated R.C. 3768.01, which contains adult entertainment establishment-related definitions that apply to the offenses described above in (1), into R.C. 2907.39(A). It modified the definition of "adult bookstore," "adult novelty store," or "adult video store" to ensure that those terms include the "commercial establishments" to which R.C. 2907.38 applies.

(3) It removed R.C. 3768.03 to 3768.06 from the House-passed version of the bill. Those provisions established state laws that established restrictions on: (a) hours of business of adult entertainment establishments, (b) the conduct of nude or seminude persons in an adult entertainment establishment, (c) the conduct of persons on the premises of adult entertainment establishments where persons regularly appear nude or seminude, (d) owners, managers, agents, employees, etc., of adult entertainment establishments permitting any person to violate either of the two preceding summarized restrictions. They also pertained to the bringing of actions for injunctive relief regarding a violation of any of the preceding restrictions, the declaration as a nuisance of premises used or occupied for repeated violations of any of those restrictions, and the authority of

* This synopsis does not address amendments that may have been adopted on the Senate floor.

political subdivisions to adopt or enforce their own such restrictions, requirements, or regulations not in conflict with R.C. 3768.02 to 3768.06.

(4) It replaced the House-passed version of R.C. 503.52(A) with provisions that grant broader, home rule type authority to townships to regulate adult entertainment establishments within their limits. The provisions specify that all townships have authority to exercise all powers of local self-government regarding the operation of adult entertainment establishments within their limits and to enforce within their limits any local police, sanitary, and similar regulations regarding the operation of adult entertainment establishments that are not in conflict with general laws. The provisions specify what the regulations may include. The resolutions may be criminal in nature or provide civil sanctions for violations of the regulations. The authority will apply to all townships, including those with a limited home rule government under R.C. Chapter 504. It specified how to resolve a conflict between a resolution adopted under the authority granted in the provisions and a municipal ordinance or resolution, or county resolution.

(5) It expanded the jurisdiction of municipal courts and county courts to grant them jurisdiction over violations of township resolutions adopted under authority of those provisions or as a result of an initiative petition, to specify that violations of any such township resolution that creates a criminal offense or imposes criminal penalties is to be treated as a criminal case, and to provide for the distribution of fines paid into such courts for violations of any such ordinance.

(6) It provides that (a) if the validity of a township resolution regarding the operation of adult entertainment establishments is challenged, the township may request the prosecuting attorney to prosecute and defend on behalf of the township the challenge, (b) if the resolution is being or is about to be violated, the township may request the prosecuting attorney to prosecute and defend on behalf of the township an action to enjoin the violation and, if the township does not request this, the legal counsel of the township, if other than the prosecuting attorney, may prosecute and defend a civil action to enjoin the violation, and (c) the township may request the prosecuting attorney to prosecute and defend on behalf of the township a civil action under the Nuisance Abatement Law and, if the township does not request this, the legal counsel of the township, if other than the prosecuting attorney, may prosecute and defend an action under that Law. Upon any such request, the prosecuting attorney must prosecute and defend in the action or proceeding as requested without charge to the township. These provisions apply regarding all townships, including townships that have a limited home rule government and regardless of whether a township that has such a limited home rule government has entered into a contract with the prosecuting attorney for services or has appointed a law director.

(7) It modified the uncodified law contained in Section 3 of the House-passed version so that, generally, it refers to the bill's expansion of the authority of local governments to regulate adult entertainment establishments instead of to the



comprehensive state regulatory scheme that was included in the House-passed version and that generally is removed as described above in (3).

(8) It modified the expedited appeal provisions contained in the House-passed version to specify that the three-day and five-day time periods for the involved political subdivisions to object to the expedited appeal and to prepare and file a record in the case, as specified in R.C. 2506.05 and 2506.06, start to run when the political subdivision receives notice of the filing of the notice of appeal.

