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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1489 Session of  
2014

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INTRODUCED BY BAKER, McILHINNEY, FONTANA, RAFFERTY, GREENLEAF,  
SCHWANK AND SOLOBAY, SEPTEMBER 19, 2014

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REFERRED TO FINANCE, SEPTEMBER 19, 2014

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AN ACT

1 Imposing a fee on sexually oriented businesses; imposing duties  
2 on the Department of Revenue; and providing for the  
3 allocation of revenue to the Department of Public Welfare for  
4 grants for victims of sex offenses.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Sexual  
9 Violence Victims Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Department." The Department of Revenue of the Commonwealth.

15 "Nude." Either of the following:

16 (1) entirely unclothed; or

17 (2) clothed in a manner that leaves uncovered or  
18 visible, through less than fully opaque clothing, any portion  
19 of the breasts below the top of the aureola of the breasts,

1 if the person is female, or any portion of the genitals or  
2 buttocks.

3 "Sexually oriented business." As follows:

4 (1) A nightclub, bar, restaurant or similar commercial  
5 enterprise that meets all of the following:

6 (i) Provides for an audience of two or more  
7 individuals live nude entertainment or live nude  
8 performances.

9 (ii) Authorizes on-premises consumption of alcoholic  
10 beverages, regardless of whether the premises is licensed  
11 under the act of April 12, 1951 (P.L.90, No.21), known as  
12 the Liquor Code.

13 (2) The term excludes a theatre as defined under section  
14 2 of the act of June 5, 1937 (P.L.1656, No.344), known as the  
15 Store and Theatre Tax Act.

16 Section 3. Fee.

17 (a) Imposition.--A fee is imposed on a sexually oriented  
18 business in an amount equal to \$5 for each customer admitted to  
19 the business.

20 (b) Records.--A sexually oriented business shall record  
21 daily, in a manner prescribed by the department, the number of  
22 customers admitted to the business. The business shall maintain  
23 the records for the period required by the department and make  
24 the records available for inspection and audit by the  
25 department.

26 Section 4. Remission of fee and submission of reports.

27 Sexually oriented businesses shall quarterly:

28 (1) Remit the fee imposed by section 3 to the department  
29 in a manner prescribed by the department.

30 (2) File reports as required by the department.

1 Section 5. Allocation.

2 The monies collected under this act shall be deposited in a  
3 restricted account within the General Fund and shall be used by  
4 the Department of Public Welfare for the purpose of providing  
5 services to victims of sex offenses. The monies in the  
6 restricted account shall not be used to supplant Federal and  
7 State funds otherwise available for victims of sex offenses.

8 Section 6. Applicability.

9 The fee imposed under section 3 shall apply only to  
10 admissions to a sexually oriented business after the effective  
11 date of this section.

12 Section 7. Effective date.

13 This act shall take effect in 60 days.