



REPORT TO THE TEXAS LEGISLATURE
SEXUALLY ORIENTED BUSINESSES AND HUMAN TRAFFICKING:
ASSOCIATIONS, CHALLENGES, AND APPROACHES

March, 2013
Office of the Attorney General

Sexually Oriented Businesses and Human Trafficking: Associations, Challenges, and Approaches

“Over the past years these businesses have morphed into a haven for prostitution and criminal activity. These girls come here desperate for a job. They are promised that for a price. They think they are coming for a job in a restaurant, but it turns out to be in a massage parlor.”

Harris County Precinct 4 Constable Ron Hickman¹

Texas Government Code Section 402.035(d)(10) requires the Human Trafficking Prevention Task Force (Task Force) “to examine the extent to which human trafficking is associated with the operation of sexually oriented businesses, as defined by Section 243.002, Local Government Code, and the workplace or public health concerns that are created by the association of human trafficking and the operation of sexually oriented businesses.”²

With the enactment of Chapter 243 of the Local Government Code, the Texas Legislature classified certain types of enterprises as “sexually oriented businesses” – and gave cities and counties broad authority to regulate their conduct as local officials deem “necessary to promote the public health, safety, or welfare.”³ Generally, a sexually oriented business (SOB) is defined as a commercial enterprise where the primary business involves goods and services that are “intended to provide sexual stimulation or sexual gratification to the customer.”⁴ Although the Legislature recognized the existence of these types of businesses and subjected them to strict regulation by local authorities, the existence of additional regulatory oversight does not mean SOBs are allowed to offer sexual services – such as prostitution – that are otherwise prohibited by state law. Rather, the law was intended to allow local authorities to impose zoning and other restrictions on legal businesses like adult bookstores, while also giving cities and counties enhanced authority to crack down on enterprises such as massage parlors that might have an ostensibly legal purpose – but that actually just provide a seemingly legitimate front for illegal prostitution.

In the very first section of Chapter 243, which memorialized the purpose of Texas’ SOB law, the Legislature recognized the reality that the “operation of certain sexually oriented businesses may be detrimental to the public health, safety, and welfare,” and, importantly, contribute to the “growth of criminal activity.”⁵ The purpose of this study is to examine the relationship between SOBs and human trafficking. Unfortunately, information about this very important topic is devastatingly scarce – both because it has not yet been widely studied on a national scale and because there have been only limited reports of human trafficking being perpetrated in SOBs in the State of Texas. To the extent existing studies have examined the connection between SOBs and crime at all, those reports have generally investigated the interrelationship between SOBs, crime rates, and property values. Unfortunately, however, that general analysis of SOBs provides law enforcement and policymakers little actionable insight into the extent to which human traffickers utilize SOBs to perpetuate the forced prostitution of their victims.

★ In a 2011 Cardozo Arts and Entertainment Law Journal article examining the secondary effects associated with SOBs, authors Weinstein and McCleary found that the mere presence of an SOB generally produced higher crime rates – regardless of its location or the nature of the enterprise.⁶ According to a 2008 study commissioned by an affiliate of the Texas Municipal League (TML), 91 percent of surveyed property appraisers stated that the existence of a strip club or sexually oriented retail store within 500 feet of a single-family home directly impaired the value of those residences.⁷ Seventy-one percent of the responding surveyors also indicated that an SOB's presence within half a mile of a residential property had a negative impact on market value.⁸

Given the very nature of their enterprise, many SOBs foster and facilitate an environment that is inherently ripe for human trafficking – particularly forced prostitution and international sex trafficking. When human trafficking is perpetrated at or by an SOB, there is also almost certainly a heightened public health threat. Accordingly, the major focus for Texas and other states across the nation has been enhanced regulatory oversight and the mitigation of risks to local communities.

As Texas continues its aggressive, focused campaign to prevent human trafficking, protect victims, and prosecute offenders, the state's strategic roadmap must incorporate the threats posed by SOBs – particularly those that are entirely illicit enterprises hiding behind a superficially legitimate front – and the conditions inside SOB establishments that are prime for all manner of criminal undertaking, including trafficking. Understanding the nature of SOBs and the extent of their connection to human trafficking will help Texas formulate the comprehensive response necessary to ensure that sexually oriented businesses are not safe havens and profit mills for human traffickers. Aggressive law enforcement and forward-thinking policymakers are critical if the state is going to effectively prevent human trafficking from permeating SOBs. At a minimum, the state must impose and enforce regulations that prevent minors from working in sexually oriented businesses; provide a model human trafficking training and awareness regime that local governments can mandate to ensure employees can recognize violations and victims; and support public awareness efforts to ensure patrons of legitimate businesses ★ can identify victims and easily notify authorities. The state should also work to develop and implement: a standard definition for what qualifies as an SOB; a centralized, cost-effective program for identifying and tracking all SOBs actively operating in Texas; state regulatory oversight of sexually oriented businesses; and initiatives to address and mitigate SOBs' secondary effects on neighborhoods and residences.

Intersection of Sexually Oriented Businesses and Human Trafficking

While Texas law provides a clear definition of what constitutes human trafficking, understanding the role of sexually oriented businesses in this heinous crime and the extent of the problem is not as clear. Concerns about the link between sexually oriented businesses and human trafficking are well-placed as both usually involve the exchange of money for some sort of commercial sex act. Likewise, both require sexual performances and produce substantial profits. Further, SOBs and human trafficking both rely upon a demand-driven business model with a primarily male customer base attempting to acquire illicit sexual services from females. While similarities exist between the two, there is no concrete evidence that the two are synonymous. However, sexually oriented businesses cross the threshold into human trafficking when they use force, fraud, or coercion to entice individuals to perform labor or sex acts; or force minors to commit commercial sex acts. It is for that reason that Texas must take all precautions to protect those working in sexually oriented businesses.

Both federal and Texas law define and criminalize human trafficking. According to the federal *Trafficking Victims Protection Act 2000*, human trafficking is “the recruitment, harboring, transporting, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, slavery or forced commercial sex acts.”⁹ The only exception to the requirement of force, fraud, or coercion is when the act being committed is against a minor.¹⁰

The Texas Penal Code also requires the use of force, fraud, or coercion to cause another individual to engage in commercial sex acts.¹¹ In addition, like federal law, Texas law does not require an element of force, fraud, or coercion when the individual trafficked is a minor.

★ While a consenting adult’s voluntary employment at an SOB can be legal so long as the employee complies with the law, these establishments often operate under circumstances that are ripe with opportunity for a wide array of illicit behavior – which can span from willing prostitution to forced sexual slavery. However, legal employment can cross over to instances of illegal behavior such as human trafficking. For example, performing at an adult dance club or cabaret is considered sex trafficking when (1) the performance is involuntary, (2) the performer is a minor, or (3) performing illicit sexual acts is a requirement for retaining employment. Links between sexually oriented businesses and human trafficking have been documented in published reports by the National Institute for Justice (NIJ), non-peer reviewed journals, and professional publications.¹² State, local, and federal law enforcement agencies in Texas and around the nation have also released information detailing human trafficking cases involving SOBs. For example, the March, 2009 NIJ Journal featured an article on sex trafficking written by the director of the Human Trafficking Prosecution Unit in the Civil Rights Division of the United States Department of Justice, Robert Moosy.¹³ The author presented principles to help build upon the successes and failures from prior human trafficking investigations, including identifying victims in the hidden businesses – such as brothels and illicit massage parlors – and to make the activities of the trafficker more “public” while providing law enforcement with a chance to intervene when clients seek services or when victims are forced to provide those services.¹⁴ To better equip investigators in taking those hidden crimes and bringing them into the light, Moosy called for effective training programs and

more robust multi-disciplinary collaborations to help law enforcement identify victims and better assess trafficking situations. Similar strategies were echoed in 2011, when the FBI released a Law Enforcement Bulletin on human trafficking.¹⁵ That bulletin highlighted a high profile case involving domestic minor sex trafficking operation where minors were forced to strip and engage in street prostitution.¹⁶ Authors issued a call for law enforcement to look at normal police activities differently especially when investigating massage parlors, spas and strip clubs – calling them “havens for prostitutes forced into sex trafficking.”¹⁷

Furthermore, in April 2011, the United States Department of Justice, Bureau of Justice Statistics (BJS) issued a special report, *Characteristics of Suspected Human Trafficking Incidents, 2008-2010* regarding investigations handled by the federally funded human trafficking task forces across the nation.¹⁸ The BJS found that the federally-funded Bureau of Justice Task Forces had opened 2,515 cases involving suspected human trafficking, with over 82 percent classified as sex trafficking. In roughly six percent of those incidences involving sex trafficking, reporting law enforcement agencies identified cases involving “sexualized labor” at strip clubs and massage parlors.¹⁹ A 2012 study conducted by Northeastern University and the Urban Institute on identifying challenges in investigating and prosecuting human trafficking cases found similar numbers – with roughly three percent of the cases identified in the study involving massage parlors.²⁰ The researchers indicated that the problem may be more pervasive than reflected in the study as law enforcement struggled with “both political buy-in to investigate the massage parlors” and the “difficulty infiltrating the often closed ethnic networks operating these often legitimately licensed businesses.”²¹

As early as 1997, Houston documented problems ensuring that entertainers working in sexually oriented businesses were at least 18 years of age.²² As recently as 2009, legal authorities discovered that massage parlors and spas were increasingly being utilized to mask sex-related businesses.²³ In the past two years, Houston has targeted massage parlors and uncovered human trafficking at multiple facilities.²⁴ However, massage parlors are not the only establishments that cause concern for law enforcement. The Harris County Sheriff’s Office claims human trafficking is a problem at all types of SOBs.²⁵ Harris County and the City of Houston have filed multiple public nuisance lawsuits in order to shut down businesses allowing prostitution and other criminal activity. In December 2011, both jurisdictions brought suit against Treasures, a strip club operating in Houston. City and county officials moved to shut down the club under the public nuisance laws – for harboring prostitution, drugs, illegal weapons, and sexual assaults – which would have shut the strip club down for a year. In January 2013, city and county officials reached an agreement with the establishment to ensure that it would operate “above board.”²⁶ Under the agreement, human trafficking prevention measures were placed in the club including provisions for club managers to attend classes on human trafficking, providing dancers with information about human trafficking and a hotline number for victims to call, and adding additional managers for weekday day shifts and all night shifts.²⁷ The owners were also required to pay \$100,000 to the City of Houston which will be used by the police department for anti-trafficking efforts, and another \$100,000 to cover the county attorney’s fees.²⁸ Although the club was not ultimately closed, the added focus on human trafficking was a significant shift in approaching the operations of sexually oriented businesses.

Reasonable fees?

Some SOBs, such as escort services and adult advertisements, rely solely on the Internet to promote their illicit enterprises.²⁹ The increased use of the Internet and social media have made the recruitment and solicitation of sex trafficking victims quicker, easier, and almost undetectable. Even seemingly unrelated online gaming websites have been used to secretly recruit potential victims and arrange transactions of commercial sex acts.³⁰ In addition, websites such as Backpage.com knowingly host advertisements marketing illegal commercial sexual services. A recent report by AIM Group showed that in January 2012, five websites alone – including Backpage.com – generated a record-breaking \$3.3 million from prostitution advertisements.³¹ Nonetheless, Backpage.com refused to remove the adult services section from its advertisements.³² In July 2012, three Washington State teenagers filed suit against Backpage arguing that the site allowed them to be sexually exploited. The three girls, ages 13, 13, and 15, were forced to prostitute themselves to online buyers. The victims' legal action claims that Backpage's lax security measures make exploitation relatively easy for traffickers.³³ Similar cases have also occurred in Texas. In September 2012, an Amarillo man was sentenced to 26 years in federal prison for forcing a 14-yearold girl into prostitution. She, too, was advertised on Backpage.com.³⁴

Increasingly, sex trafficking – specifically the prostitution of minors – is common among escort services, massage parlors, and adult cabarets.³⁵ Many victim advocates who serve domestic minor sex trafficking victims report that children under their care worked in legally established SOBs before they encountered the criminal who later trafficked them.³⁶ One victim of sex trafficking was forced to work in a strip club at the age of 13. Shortly thereafter, she was convinced to become a dancer at the club – and later sold herself on the streets six days a week.³⁷ In Washington Park, IL, a suburb of St. Louis, two sex trafficking victims were rescued from a strip club after one of the victims worked up the courage to inform a patron that a trafficker was holding her hostage and threatening to harm her if she stopped working as a prostitute.³⁸

Incidences of Human Trafficking in Sexually Oriented Businesses

Far too often, human trafficking victims are forced to work at a sexually oriented business across Texas and the nation. The summaries below are a sample of some of the human trafficking cases arising in sexually oriented businesses in Texas.

- In Williamson County, two subjects were indicted for human trafficking after authorities discovered they were using massage parlors as fronts for prostitution. The defendant's victims were forced to live at the massage parlors and were shuttled between the parlors and an apartment complex, where they were forced to prostitute themselves.³⁹
- The Texas Office of the Attorney General and the City of Arlington brought a nuisance action against an Arlington night club, Flashdancer Cabaret, calling the club a "nuisance club rife with drugs, prostitution and aggravated assaults and other criminal activity."⁴⁰ Club owners reached an agreement with city officials in January 2012 to close for a year. However, city officials continued with actions to revoke the establishment's SOB license – stating the club owner had filed a misleading SOB application with the city and had allowed "rampant" sexual activities and contact at the location.⁴¹ The city's actions to shut down the club permanently angered the club owner, and in April 2012, he allegedly tried to hire someone to kill Arlington's mayor and a local

attorney who handles the city's matters related to SOBs.⁴² In the indictment, a statement from the club owner was introduced that indicated he would lose \$800,000 a year if the business remained closed. The club owner pled guilty to the murder-for-hire plot and received a 10-year prison sentence.⁴³

- In January 2013, three subjects were each sentenced to 96 months in federal prison, 10 years of supervised release, and fined \$10,000 for their roles in a human trafficking scheme that was based at a Houston-based SOB. Two other defendants await sentencing.⁴⁴ The men recruited several women, including minors, to work as prostitutes at SOBs that were "disguised as legal modeling studios, health spas, and massage parlors."⁴⁵ The traffickers frequently assaulted and threatened the women – one of whom was branded – into compliance.⁴⁶

The link between SOBs and human trafficking is not unique to Texas. Other states have also identified victims and prosecuted human trafficking cases within SOBs.

- A 20-year-old woman in Omaha, Nebraska, recruited two runaway teenagers from a hotel, and, along with her boyfriend, transported the girls across state lines after teaching the victims how to solicit sex. She then arranged employment for them in strip clubs. The accused were subsequently arrested and convicted of human trafficking and pandering charges.⁴⁷
- The ringleader of a three-state sex trafficking ring based in New York, New Jersey, and Connecticut exploited as many as 20 victims – including minors. The defendant in that case recruited victims by luring them with promises of modeling contracts and a glamorous lifestyle. He forced them into dancing and performing at strip clubs, and to work as street prostitutes until the early morning hours after the club closed.⁴⁸
- Members of notorious New York crime families – including the Gambino and Bonanno families – have also been linked to sex trafficking of minors in SOBs. The prosecutor in one Long Island case noted that the mob had entered "new criminal territory" as a reputed boss and 13 members of the Gambino organized crime family were charged with racketeering and the interstate sex trafficking of minors.⁴⁹ Teenage girls were recruited and forced to prostitute themselves in strip clubs and on the Internet. In New York, federal authorities busted another mafia-led operation where women were smuggled from Russia and Eastern Europe to work at strip clubs.⁵⁰ The victims were sent false job offers for waitressing and other jobs, but upon arrival were forced to work in strip clubs.
- A well-organized prostitution ring in the Minneapolis/St. Paul area recruited and transported adult women and underage girls to Las Vegas, Nevada, where the victims were threatened with violence and forced to perform at strip clubs and prostitute themselves. The organization operated over a span of seven years. The perpetrators involved were charged and pled guilty to federal sex trafficking and forced prostitution charges.⁵¹
- In 2010, a Detroit strip club was forced to close for a year after a judge declared it a public nuisance. The court's order cited the SOB for allowing a 14-year-old girl to perform at the club. In addition, the club was the site of 14 shootings over a seven-year period.⁵²
- In New Albany, Indiana, a man was charged with sexual misconduct with a minor after sexually assaulting a 15-year-old girl inside a local strip club – and in the presence of her aunt and uncle.

The defendant plied the victim with alcohol to intoxicate her before sexually assaulting her in a private room.⁵³

- Recently, a Texas resident was allegedly forced to dance at a Detroit strip club by two traffickers from Florida and Tennessee. Both have been arrested and charged in Michigan with human trafficking. The victim was identified when police responded to a noise complaint at a hotel and found the victim badly beaten. The victim was lured to work for the traffickers with the promise of good pay. Upon her recruitment, the alleged traffickers kept all of her earnings and used violence to control her. The traffickers were arraigned on February 25, 2013, and they are awaiting trial in Michigan.⁵⁴

Although the multitude of cases cited in this report and other stories by the U.S. Justice Department demonstrate an unquestionable circumstantial connection between SOBs and human trafficking, it is difficult to study the relationship empirically because there is not a standard definition delineating what constitutes an SOB. As a result, it is also difficult to determine where SOBs are located throughout the state. The lack of uniform statewide regulation and the broad definition of a sexually oriented business make it difficult to collect and analyze relevant data. Because data is sparse, investigating potential links between sexually oriented businesses and human trafficking is difficult. Additionally, the secretive nature of SOBs, coupled with the labyrinth of private rooms that are commonly found on their premises, makes it difficult to ascertain which establishments are utilized to either facilitate voluntary or forced prostitution.

Sexually Oriented Businesses and Public Health

Several public health-related threats that are intrinsically linked to human trafficking are also endemic to SOBs. Though it does not specifically delve into the issue of human trafficking, the Texas City Attorneys Association (TCAA) produced a report in 2008 that studied the connection between SOBs and trafficking-related offenses. The study found, in part, “[l]t is a *scientific fact* sexually-oriented businesses pose large, statistically significant ambient public safety hazards in terms of prostitution, drugs, assault, robbery, and vandalism.”⁵⁵ Many of these safety hazards can negatively affect the health of workers, patrons, and the community. For example, women who work at sexually oriented businesses, especially strip clubs, report being physically and sexually abused.⁵⁶ This abuse can come at the hands of the club owner or the person buying services.⁵⁷

Victims of trafficking often face large mental health hurdles; feelings of exploitation and low self-esteem are common and play key roles in the development of mental health issues like Post-Traumatic Stress Disorder and depression.⁵⁸ According to the University of Texas study, *An Assessment of the Adult Entertainment Industry in Texas (Assessment)*, mental health issues are common, even for those who work in legally-operated sexually oriented businesses.⁵⁹ Other studies have shown that in an attempt to protect themselves from the trauma they are experiencing, many sex workers will practice dissociate behaviors.⁶⁰ A 1990 Canadian study showed that exotic dancers who prostituted themselves at strip clubs suffered from trauma-related disorders at the same – and often greater – rate than street prostitutes.⁶¹

Addiction to drugs and alcohol are also common among dancers at sexually oriented businesses.⁶² By providing or denying workers drugs and alcohol, pimps and handlers are able to coerce victims into dancing or providing other services against their will.⁶³ Authors of the University of Texas *Assessment*, found that drugs and alcohol are positively correlated with victimization and perpetration of sexual assaults.⁶⁴ The report continues by saying, “working at an SOB puts women at a greater risk of victimization, especially when combined with alcohol use.”⁶⁵

Victims of sex trafficking often contract sexually-transmitted diseases or infections.⁶⁶ Similarly, exotic dancers also have an increased risk of acquiring HIV and sexually-transmitted diseases or infections.⁶⁷ When sexual encounters occur as part of operations at SOBs – whether forced or voluntary – diseases and infections can be easily spread from victim to patron and visa-versa. Furthermore, these sexually transmitted diseases and infections can then be spread to innocent third parties who were unaware their partner had engaged in this illegal sexual activity.

In 2005, Naomi Akers, Executive Director of the St. James Infirmary in San Francisco, conducted *A Pilot Health Assessment of Exotic Dancers in San Francisco*.⁶⁸ The St. James Infirmary provides medical and social services for sex workers in the San Francisco area.⁶⁹ Former and current dancers were interviewed about the conditions in the strip club. It was noted that certain health risks were present, simply from the nature of the work – working long hours, the shoes worn by the dancers, club conditions, and even customer harassment were cited as work-related health risks.⁷⁰

A 2012 study, *Early Intervention to Avoid Sex Trading and Trafficking of Minnesota's Female Youth: A Benefit-Cost Analysis*, reported on the benefit-cost analysis of early intervention programs to avoid sex trafficking in Minnesota. The study identified major health problems related to sex trafficking victims, including physical injury from violence, sexually transmitted infections, pregnancy and subsequent births or abortions, mental illness, and chemical dependency.⁷¹ The study provided conservative estimates for the number of incidents per year a victim would suffer and the costs for treatment of those health issues. Over a 12-year span, the undiscounted costs per victim would be \$354,165.⁷² These costs do not take into account HIV infections, which would add an additional cost burden. Since it has been established from previous research that employees and contractors of sexually oriented businesses suffer from similar health concerns, it can be inferred that similar health costs may be applicable to them as well. After taking into account the costs of early intervention measures – including housing – and the benefits from reduced trafficking among female youth in Minnesota, researchers conservatively estimated Minnesota could save \$28.9 million which amounted to \$34 of benefit for every \$1 spent.⁷³

Clearly, risks for those employed, even legally, in SOBs is high – from the physical concerns brought on by long hours, repeated exposure to alcohol and drugs, and business conditions to the mental concerns resulting from customer harassment and exploitive conditions. These risks are compounded in cases involving human trafficking – thus creating a serious public health concern.

Identifying Sexually Oriented Businesses in Texas

It is almost impossible to pinpoint exactly how many SOB's are in operation throughout Texas. Identification is a twofold process – defining what constitutes an SOB and then maintaining an accurate count of those businesses. In Texas, sexually oriented businesses are defined by Texas Local Government Code § 243.002 as:

a sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.⁷⁴

Local units of government are given the authority to create regulations governing the operation of SOB's within their communities and, in turn, providing additional sub-classifications where local leaders see fit. When the definitions are subject to local interpretation, it is almost impossible to maintain a consistent definition or standardized approach as to what constitutes a sexually oriented business. Establishing a state law that standardizes definitions across Texas' 254 counties and applies to all SOB's can be difficult because of concerns that it will cause confusion for law enforcement and policymakers.

When conducting an assessment of SOB's for the 80th Legislature, the University of Texas at Austin interpreted the statutory definition to include the following businesses: adult entertainment clubs, adult theaters, adult video stores, adult bookstores/magazines, adult motels/lodging establishments, escort services, hotel/motel video-on-demand service, home-based cable video-on-demand, the Internet, massage parlors, novelties/clothing stores, and nude modeling studios.⁷⁵ While the list provided by the study is more comprehensive than current statute, it still does not include every possible example of a sexually oriented business. For example, often businesses advertise or license certain materials that do not represent the majority of the business' inventory.⁷⁶ In such instances, a business may sell sexually oriented services, but not fit the legal definition of a sexually oriented business.

One of the major problems regarding SOB's is that they are hard to define because the services offered by the industry constantly evolve. An SOB may have different aliases: gentleman's club, cabaret, strip club, massage parlor, or exotic dance club, to name a few. As academics and victim service organizations face difficulty defining SOB's, local municipalities face greater difficulties crafting ordinances regarding these businesses. The legal definition must be broad enough to cover the many facets and constant changes in the commercial sex industry while remaining specific enough to exclude establishments, such as Barnes & Noble, that may sell small amounts of adult literature.⁷⁷

Local municipalities are authorized to regulate SOB's under Sec. 243.003, Texas Local Government Code, thus it is implied that they would know which businesses are under local regulatory jurisdiction and how many are in operation – but that information is typically kept locally. There is no statewide oversight or licensure relevant to the broad spectrum of SOB's in operation and no mechanism to centralize the locally held data. For example, the Texas Alcoholic Beverage Commission (TABC) regulates all businesses

that serve alcoholic beverages.⁷⁸ Although TABC maintains a database containing information on bars and adult cabarets throughout Texas, TABC does not maintain information about sexually oriented businesses which do not serve alcohol as they are not under the agency's jurisdiction.⁷⁹ At this time, the total number of sexually oriented businesses in operation in Texas cannot be accurately quantified. Therefore the extent to which human trafficking occurs in those businesses also cannot be adequately assessed.

Regulatory Oversight

Because regulation of SOBs is currently delegated to local governments, it is also important to consider whether these local regulations adequately address the threat that their operations pose to public health and safety. The balancing act for local municipalities has always been to create regulations that meet the community needs without infringing on the First Amendment rights of individuals.

Attempts to take proactive approaches to the secondary effects of sexually oriented businesses are still being developed at the local level. Recognizing the negative effects of sexually oriented businesses on the immediate areas around such establishments, San Antonio passed an ordinance prohibiting sexually oriented businesses from operating within 1,000 feet of a residential site. In *Encore Video, Inc. v. City of San Antonio*, the city's ordinance was challenged.⁸⁰ Encore argued that because customers were not permitted to view videos at the store, the business did not fall under the regulatory guidelines of the city. Since San Antonio used studies to justify the zoning that did not address the secondary effects of a retail-only establishment, the court ruled in favor of the store.⁸¹

In 2007, in light of the *Encore* decision, the Texas City Attorneys Association commissioned a study to investigate the secondary effects of retail-only sexually oriented businesses with no on-premises entertainment. The study concluded that “criminological theory predicts that *all SOB subclasses will have large, significant [crime-related] secondary effects. The empirical evidence corroborates the theoretical predictions.*”⁸² In other words, despite the fact retail-only SOBs were considered a different type of establishment for the purposes of the *Encore* decision, evidence suggests they suffer from “the same crime-related secondary effects found for on-site SOBs.”⁸³ Conversely, in the University of Texas *Assessment*, researchers concluded that it is difficult to definitively determine if SOBs play a role in crime. However, they also report that “women working at SOBs have a confirmed increased risk of violence” and that “many of the crimes committed at SOBs, including rape, drug-related incidents, and physical violence are least likely to be reported to police.”⁸⁴ While the empirical data on whether or not SOBs produce higher rates of crime – to include human trafficking – may still be in debate, the need to engage owners, employees, and patrons in efforts to prevent human trafficking is not. This is especially true when considering the relationship between alcohol, sex, and violence and recorded instances of human trafficking in SOBs.⁸⁵

Because SOBs frequently challenge state regulations in court – citing their First Amendment rights – the state's efforts to address illicit conduct at SOBs is made more difficult. Nonetheless, given the potential for human trafficking and other crimes being perpetrated at SOBs, additional statewide interventions are needed.

Community Approaches

Counties and municipalities across the state are focusing on mitigating the negative effects sexually oriented businesses have on their communities through regulatory action. In December 2012, the El Paso County Commissioners Court passed an ordinance related to the operation of SOBs in unincorporated areas of the county. The ordinance forces potential employees to apply for a license

from the sheriff's office, provide proper identification, pass a background check, and provide fingerprints. According to El Paso Sheriff Richard Wiles, "the most important [regulation] was the licensing requirement to help make sure we do not have underage people working in these facilities."⁸⁶

The City of Houston found that licensing may help eliminate underage entertainers.⁸⁷ Requiring that entertainers receive certain licensing and a criminal background check could ensure that those arrested cannot subsume a new stage name to be employed elsewhere.⁸⁸

Harris County and the City of Houston aggressively pursue actions against SOBs in their jurisdiction for allowing criminal activity and other businesses which operate as a front for SOBs. In the last few years, they have filed numerous public nuisance suits to have area strip clubs closed as they were allegedly involved in sex trafficking.⁸⁹ In addition, Harris County also took action against several unlicensed massage parlors to have them closed.⁹⁰ Harris County proactively uses the Texas Occupation Code, which addresses massage parlors as a business, to investigate these businesses from the regulatory side of the equation. Harris County Precinct 4 Constable, Ron Hickman, sends peace officers out to inspect facilities. In turn, illegal SOBs that masquerade as massage parlors are identified through this approach. By working with the Sheriff's Department Vice Unit and the county attorney, Harris County is able to file injunctions of these businesses to cease operations.⁹¹

In an effort to reduce the negative effects of SOBs and to create enforceable ordinances, the City of San Antonio instituted new regulations on SOBs in December, 2012. The City Council broadened the definition of a sexually oriented business to reduce loopholes exploited by business owners. Additionally, criminal penalties against businesses were increased in an attempt to deter criminal behavior.⁹²

Across the United States, other municipalities and state governments are working to address the negative effects of SOBs. In October 2012, the city council in Albuquerque, New Mexico, passed additional regulations on strip clubs. All "adult cabaret entertainment" is prohibited in areas of the club that are not public. Additionally, signs must be posted inside establishments that inform employees on how to report incidents of human trafficking. The city also implemented new record keeping requirements on the identity of performers.⁹³ The Albuquerque regulations are unique because they were put in place for the specific purpose of preventing human trafficking.

Challenges to Closing Sexually Oriented Businesses with Links to Human Trafficking

Municipalities encounter many challenges when attempting to shut down SOBs. The U.S. Supreme Court has held that SOBs are protected under the First Amendment, and therefore cannot be completely banned or closed without cause. Rather the SOBs can be regulated with restrictions put in place regarding their operation and location. In *City of Renton v. Playtime Theaters, Inc.*, the Supreme Court held that in order for restrictions to be upheld they must be "content neutral, serve a substantial government interest, allow for reasonable avenues of communication, and be narrowly tailored to meet the substantial government interest."⁹⁴ In the Renton decision, the court allowed evidence of negative secondary impacts to substantiate the regulations.

While the U.S. Supreme Court has allowed for restrictions to be placed on SOBs, local regulating authorities do not always have the mechanisms in place to effectively enforce provisions – including shutting down businesses that operate in violation of the local ordinances. In Dallas, local officials were unable to immediately shut down a club in which a 12-year-old runaway girl was found dancing nude at a local strip club where she had been dancing for two weeks.⁹⁵ Two individuals were charged with felony sexual performance of the child for their role in forcing the child to dance at the club; however, the strip club could not be closed by the City of Dallas because the local ordinance did not permit automatic revocation of licenses for employing minors.⁹⁶ Following the incident, the Dallas City Council moved to amend city codes regulating SOBs to “protect minors from exploitation in sexually oriented businesses.”⁹⁷ The April 2008 amendments to Chapter 41A (Sexually Oriented Businesses) of the Dallas city code added prohibitions on minors entering, performing, or working in SOBs with violations resulting in license revocation.⁹⁸ The ordinance also placed stricter requirements on club operations – including designation of an individual, or operator, who is required to be on premises while the club is open – as well as more extensive identification records for all employees of the SOB.⁹⁹

State leaders, including Attorney General Greg Abbott, called for more stringent regulations on adult businesses – including tighter licensing requirements for the clubs and the employees – to protect children from sexual exploitation.¹⁰⁰ In its 2011 report to the 82nd Legislature, the Texas Human Trafficking Prevention Task Force (Task Force) recommended tougher penalties for individuals who employ minors in sexually oriented commercial activity, including strip clubs and massage parlors – calling for penalties for employment harmful to children offenses to result in a second-degree felony unless the child was under 14, and then the offense would be increased to a first-degree felony.¹⁰¹ In 2011, the 82nd Legislature passed two pieces of legislation regarding employment harmful to children, but the two had conflicting penalty provisions.¹⁰² The Task Force provided additional recommendations in its 2012 report to the 83rd Legislature, one of which was to support maximum penalties for individuals employing minors for commercial sexual activities.¹⁰³

Criminal justice professionals encounter many challenges when attempting to close SOBs with documented links to human trafficking. First, many SOBs with links to human trafficking may not be easily identifiable. The businesses may be operating without a license, or may not fall under a legal definition of an SOB, such as a restaurant that acts as a front for other illicit activities.

Second, it is difficult for undercover officers to successfully investigate SOBs while maintaining the integrity of the investigation. Because members of law enforcement are restricted in their actions during the course of an investigation, many clubs, owners, or handlers use dancing as a test to determine if a patron is a legitimate customer or an undercover police officer.¹⁰⁴ For example, law enforcement personnel are not allowed to engage the dancer in an inappropriate manner, such as removing clothing. Therefore, dancers may try to engage patrons during the dance in a way that helps to identify police officers.¹⁰⁵ In some cases, dancing is also used as a precursor to the performance of sex acts. If the patron passes the test, the dancer proceeds by offering prostitution services. In a 2013 Houston-based case, women were told to weed out possible undercover law enforcement personnel before offering illegal sex acts.¹⁰⁶

Third, SOBs are often purposely designed to create areas hidden from public view that are conducive to illegal behavior. For example, the use of high back chairs, dim lighting, and private rooms help conceal illicit activity from other patrons and management.¹⁰⁷ One Houston Police Department officer noted that lighting was so dim one could not observe activities occurring a table away.¹⁰⁸

Fourth, budgeting is also an issue. Many businesses require patrons pay a fee to enter “VIP” rooms, and undercover law enforcement officers cannot always afford these fees to investigate illegal activity that occurs.¹⁰⁹ Knowing that an investigator cannot afford a VIP room helps management identify possible undercover officers.¹¹⁰

As municipalities continue to balance First Amendment rights under local regulatory schemes, in light of the potential for human trafficking they must carefully consider additional options to promote the health and safety of the potential victims in the establishments.

Addressing Secondary Effects of Sexually Oriented Businesses

While local ordinances have been in place for many years to regulate the operation of the businesses – including the location, hours of operation, and permitting – only recently have other measures been proposed to introduce a statewide presence in SOBs. Other initiatives have been undertaken by business owners as well to find ways to counteract potential risks for employees, especially as it relates to human trafficking victims.

Statewide Approaches: Adult Entertainment Fee

In 2007, the 80th Texas Legislature enacted the Sexually Oriented Business Fee Act, which established a \$5 adult entertainment fee for patrons of sexually oriented businesses.¹¹¹ HB 1751 amended the Business and Commerce Code Section 102.052, requiring patrons to pay a \$5 fee upon entering establishments that featured live nude performances and allowed consumption of alcohol. The bill also authorized the Texas Comptroller to oversee the collection of the fees from the businesses. Money from the \$5 fee was designated for sexual assault prevention programs and for health insurance coverage for low-income Texans.¹¹² The law went into effect January 1, 2008, but was immediately challenged in state court. The ongoing legal challenges have delayed the implementation of the law. In 2008, the district court held that the provisions of the law were unconstitutional under the First Amendment. The Third Court of Appeals affirmed the trial court decision in 2009. The state appealed. In 2011, the Texas Supreme Court found the law constitutional and remanded the case back to the trial court to consider issues under the Texas Constitution.¹¹³ The Texas Entertainment Association filed a petition for writ of certiorari with the U.S. Supreme Court. The petition was denied January 23, 2012.¹¹⁴ However, the case is not necessarily closed. According to the 2012-13 General Appropriations Act, revenue from the Adult Entertainment Fee cannot be appropriated until “a court, in a final judgment upheld on appeal or no longer subject to appeal” finds the statute constitutional.

According to estimates by the Texas Comptroller, when the sexually oriented business fee was introduced in 2007, there were approximately 169 establishments in Texas that featured live nude performances and allowed the consumption of alcohol that were subject to the adult fee provisions.¹¹⁵ Determining how many are in existence as of 2013 remains problematic. If this fee is implemented, it may increase the state’s ability to track the number of SOBs that provide both live nude shows and the consumption of alcohol.

In June 2012, the City of Houston passed a similar city ordinance referred to as the Rape Kit Funding Ordinance (RFKO). The Houston City placed a \$5 fee on “each entry by a customer into an adult establishment within the limits of the city.”¹¹⁶ Patrons are charged the fee to enter the establishment regardless of whether or not they spend money while they are there.¹¹⁷ The fee is expected to raise \$3 million in annual revenue – all of which will be appropriated to help Houston address its backlog of unprocessed sexual assault kits.¹¹⁸ Attorneys for club executives have filed suit to prevent Houston from collecting the fee, and the litigation is ongoing.¹¹⁹

Other states have also proposed additional measures to address secondary effects. Utah and Illinois have also passed taxes or additional charges to provide funding for sexual assault survivors.¹²⁰ Georgia considered a fee in 2009.¹²¹ And in 2012, California attempted to pass AB 2441 which would establish a tax on SOBs and create the Sexual Assault Treatment and Prevention Fund “to ameliorate the negative secondary effects associated with the combination of sexually oriented businesses and alcohol so as to promote the health, safety, and welfare of the citizens of California.”¹²²

Conclusion

There is overwhelming circumstantial evidence linking SOBs to human trafficking and other criminal enterprises. But, because a uniform definition of SOBs is lacking, and human trafficking is challenging to identify, it is difficult to empirically connect the two enterprises. Nonetheless, SOBs are naturally conducive to human trafficking-related behavior based on their business characteristics and the demand for sexually-oriented services. Accordingly, preventative measures that can protect potential victims by reducing the risk factors of human trafficking are worth considering. Dancing and working in SOBs desensitizes possible future trafficking victims to sexual exploitation, and in many cases, workers are forced into prostitution under threats of violence. Additionally, public health concerns exist related to physical and sexual assaults and the diffusion of sexually transmitted diseases and infections as a result of trafficking-related offenses occurring at SOBs. These types of businesses are also difficult for law enforcement to successfully investigate because business owners are constantly adapting new procedures to identify law enforcement officers and hide the true nature of their businesses. Furthermore, several human trafficking victims in Texas – and across the country – have been identified and rescued at SOBs. Given these factors, it is reasonable to conclude that SOBs will continue to be associated with the occurrence of human trafficking in Texas. Texas must work to prevent human trafficking occurring in SOBs. The first steps must include accurately identifying SOBs operating within the State of Texas, creating statewide regulations that allow for the protection of minors and others who are at risk of exploitation, and ensuring that we can adequately address public health concerns. Continued collaborations between regulators and businesses to ensure that victims are better identified are also important. Through these efforts, we can ensure that Texas is better equipped to address human trafficking in sexually oriented businesses.

¹ *YourTomballnews.com*. Lindsey Vaculin. August 28, 2012. "Precinct 4 Constable's Office Working to Eliminate Illicit Business." Retrieved February 25, 2013, from http://www.yourhoustonnews.com/tomball/news/precinct-constable-s-office-working-to-eliminate-illicit-business/article_06e10419-89d9-5854-964b-07381b7d66b7.html.

² Texas Government Code Section 402.035(d)(10) (Human Trafficking Prevention Task Force).

³ Texas Local Government Code Chapter 243 (Municipal and County Authority to Regulate Sexually Oriented Businesses).

⁴ Texas Local Government Code Section 243.002 (Definitions).

⁵ Texas Local Government Code, *supra* note 3.

⁶ Alan C. Weinstein and Richard D. McCleary. 2012. "The Association of Adult Businesses with Secondary Effects: Legal Doctrine, Social Theory, and Empirical Evidence." 29 *Cardozo Arts & Entertainment Law Journal* 565, p.595. Retrieved February 25, 2013, from http://engagedscholarship.csuohio.edu/cgi/viewcontent.cgi?article=1539&context=fac_articles.

⁷ Texas City Attorneys Association. June 2008. Richard McCleary, Alexi Alexander, Larry Bush, and Mark Vasquez. June 2008. *Crime-Related Secondary Effects, Secondary Effects of "Off-Site" Sexually-Oriented Businesses*, p. 16. Retrieved February 25, 2013, from http://www.texascityattorneys.org/pdf/StudyofSecondaryEffectsCrime_Final.pdf.

⁸ *Ibid*.

⁹ *Trafficking Victims Protection Act 2000, SEC. 103 (8) (18 U.S.C. § 1590 and 1591)*.

-
- ¹⁰ *Ibid.*
- ¹¹ Texas Penal Code 20A (Trafficking of Persons).
- ¹² Julie Cwikel and Elizabeth Hoban. 2005. *Contentious Issues in Research on Trafficked Women Working in the Sex Industry*. The Journal of Sex Research, Vol. 42, Number 4, November 2005, pp. 306-316.
- ¹³ Robert Moosy. March 2009. *NIJ Journal*. Issue No. 262 (NCJ 225759). Retrieved March 4, 2013, from <https://www.ncjrs.gov/pdffiles1/nij/225759.pdf>.
- ¹⁴ *Ibid.*
- ¹⁵ Amanda Walker-Rodriguez and Rodney Hill. March 2011. *Human Sex Trafficking*. FBI Law Enforcement Bulletin. Retrieved February 27, 2013, from http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/march_2011/human_sex_trafficking
- ¹⁶ *Ibid.*
- ¹⁷ *Ibid.*
- ¹⁸ United States Department of Justice, Office Justice Programs, Bureau of Justice Statistics. April 2011. *Special Report. Characteristics of Suspected Human Trafficking Incidents, 2008-2010*. Retrieved February 28, 2013, from <http://www.bjs.gov/content/pub/pdf/cshti0810.pdf>.
- ¹⁹ *Ibid.*
- ²⁰ Northeastern University, Institute on Race and Justice, and Urban Institute, Justice Policy Center. April 2012. *Identifying Challenges to Improve the Investigation and Prosecution of State and Local Human Trafficking Cases*. Amy Farrell, Jack McDevitt, Rebecca Pfeffer, Stephanie Fahy, Colleen Owens, Meredith Dank, and William Adams, p. 51-52. Retrieved February 27, 2013, from <https://www.ncjrs.gov/pdffiles1/nij/grants/238795.pdf>.
- ²¹ *Ibid.*
- ²² Houston City Council. 1997. *Sexually Oriented Business Ordinance Committee Legislative Report*, p. 5. Retrieved February 27, 2013, from http://www.ccv.org/wp-content/uploads/2010/04/TX_Houston_1997.pdf.
- ²³ University of Texas at Austin, the Bureau of Business Research, IC² Institute, and the Institute on Domestic Violence and Sexual Assault. March 2009. *An Assessment of the Adult Entertainment Industry in Texas. Comprehensive Report*, p. 76. Retrieved February 25, 2013, from <http://repositories.lib.utexas.edu/handle/2152/14736>.
- ²⁴ *Yourhoustonnews.com*. June 12, 2012. "Harris County attorney files lawsuits against massage parlors suspected of human trafficking." Retrieved February 27, 2013, from http://www.yourhoustonnews.com/cypresscreek/news/harris-county-attorney-files-lawsuits-against-massage-parlors-suspected-of/article_9dd2bac0-b4b3-11e1-9aad-0019bb2963f4.html.
- ²⁵ University of Texas, *supra* note 23, p. 69.
- ²⁶ *Houston Chronicle*. Mike Morris. January 29, 2013. "Treasures Settles with County Attorneys, Too." Retrieved February 20, 2013, from <http://www.chron.com/default/article/Treasures-settles-with-county-attorneys-too-4233747.php>.
- ²⁷ *Ibid.*
- ²⁸ *Ibid.*
- ²⁹ University of Texas at Austin, *supra* note 23, pp. 7-8.
- ³⁰ National Institute of Justice. April 30, 2012. *A National Overview of Prostitution and Sex Trafficking Demand Reduction Efforts, Final Report*. Michael Shively, Kristina Kilroys, Kristin Wheeler, and Dana Hunt, p. 19. Retrieved February 27, 2013, from <https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf>.
- ³¹ AIMGroup. Mark Whittaker. 2012. "Sites Set Combined Record for Online Prostitution-ad Revenue." Retrieved February 26, 2013, from <http://aimgroup.com/2012/02/24/sites-set-combined-record-for->

online-prostitution-ad-revenue/.

³² *ABC Nightline*. Katie Hinman and Melia Patria. April 24, 2012. "Girls Sold for Sex Online, Backpage Defends Decision to Keep Ads Up." Retrieved February 27, 2013, from <http://abcnews.go.com/US/girls-sold-sex-online-backpage-defends-decision-ads/story?id=16193220>.

³³ *USA Today*. July 29, 2012. "3 Washington Teenagers Sue Backpage.com." Retrieved February 25, 2012, from <http://usatoday30.usatoday.com/news/nation/story/2012-07-29/teenagers-backpage-lawsuit/56579318/1>.

³⁴ *Mywesttexas.com*. Audrie Palmer. September 25, 2012. "Man Sentenced to 26 Years for Forcing Teen to Work as Prostitute." Retrieved February 25, 2013, from http://www.mywesttexas.com/top_stories/article_61c67686-ff56-5cfe-9770-8651ce182e1e.html.

³⁵ Megan Annitto. March 2012. *Consent, Coercion, and Compassion: Emerging Legal Responses to Commercial Sexual Exploitation of Minors*. Yale Law & Policy Review. Vol. 30:1-70, 17. Retrieved February 27, 2013, from http://yalelawandpolicy.org/sites/default/files/Annitto_30.pdf.

³⁶ *Current*. Michael Barajas. February 8, 2012. "Underage Sex Trafficking is Everywhere Local Law Enforcement Looks, but Will Their Budgets Hold Out?" Retrieved February 27, 2013, from <http://sacurrent.com/news/underage-sex-trafficking-is-everywhere-local-law-enforcement-looks-but-will-their-budgets-hold-out-1.1268733>.

³⁷ *Abcnews*. Sharyn Alfnosi and Ursula Fahy. September 22, 2010. "In Search of Love: Teens Lured into Sex Trade." Retrieved February 27, 2013, from <http://abcnews.go.com/US/portland-emerges-hub-child-sex-trafficking/story?id=11690544>.

³⁸ *St. Louis Post-Dispatch*. Robert Patrick. September 1, 2009. "Two Rescued in Forced-Sex Case Strip Club Customer Helps One Woman Escape and Call Police, Who Rescued Other." Retrieved February 20, 2013, from http://www.stltoday.com/news/local/metro/two-rescued-in-forced-sex-case-strip-club-customer-helps/article_e57d2a50-a508-5c4c-a901-ba2c7927c01b.html.

³⁹ *KXAN*. July 10, 2012. "Two Charged with Human Trafficking." Retrieved February 26, 2013, from <http://www.kxan.com/dpp/news/local/williamson/two-charged-with-human-trafficking>.

⁴⁰ *The Huffington Post*. Steven Hoffer. April 11, 2012. "Ryan Walker Grant Arrested: FBI Officials Say Strip Club Owner Plotted to Kill Arlington Mayor." Retrieved March 4, 2013, from http://www.huffingtonpost.com/2012/04/11/ryan-walker-grant-strip-club-murder_n_1417812.html. See also *Star-Telegram*. Mitch Mitchell and Patrick M. Walker. April 11, 2012. "Arlington mayor was target of alleged murder-for-hire plot." Retrieved March 4, 2013, from <http://www.star-telegram.com/2012/04/10/3874403/arlington-mayor-was-target-of.html>.

⁴¹ *Star-Telegram*. Mitch Mitchell and Patrick M. Walker. April 11, 2012. "Arlington mayor was target of alleged murder-for-hire plot." Retrieved March 4, 2013, from <http://www.star-telegram.com/2012/04/10/3874403/arlington-mayor-was-target-of.html>.

⁴² *The Huffington Post*, supra note 40.

⁴³ *Star-Telegram*, supra note 41.

⁴⁴ United States Attorney's Office, Southern District of Texas. January 7, 2013. "Three Sentenced in Massive Domestic Sex Trafficking Case." Retrieved February 27, 2013, from http://www.justice.gov/usao/txs/1News/Releases/2013%20January/130107%20-%20McDaniels,%20Lake%20and%20Presley_print.html.

⁴⁵ *Houston Chronicle*. Mike Glenn. January 7, 2013. "Three Sent to Prison in Houston Sex Trafficking Case." Retrieved February 26, 2013, from <http://www.chron.com/news/houston-texas/houston/article/Three-sent-to-prison-in-Houston-sex-trafficking-4173331.php>.

⁴⁶ *Ibid*.

⁴⁷ *Omaha World-Herald*. Elizabeth Ahlin. March 6, 2009. "Forced-Prostitution Suspect Faces Hearing."

-
- ⁴⁸ Amanda Walker-Rodriguez and Rodney Hill, *supra* note 15.
- ⁴⁹ *UT San Diego*. Tom Hays. April 20, 2010. "Feds charge 14 reputed Gambino family members." Retrieved February 25, 2013, from <http://www.utsandiego.com/news/2010/apr/20/feds-charge-14-reputed-gambino-family-members/>.
- ⁵⁰ *New York Post*. December 1, 2011. "20 Arrested in Alleged Mob-Linked Sex-Trafficking Ring in New York." Retrieved February 25, 2013, from <http://www.foxnews.com/us/2011/11/30/20-arrested-in-alleged-mob-linked-sex-trafficking-ring-at-new-york-strip-clubs/>.
- ⁵¹ *Saint Paul Pioneer Press*. Nancy Yang. October 18, 2007. "Former Brooklyn Park Resident Pleads Guilty to Operating Prostitution Ring."
- ⁵² *Examiner.com*. Darlena Taylor Bonds. October 24, 2012. "Detroit strip club 'All-Stars' ordered padlocked for one year." Retrieved February 27, 2013, from <http://www.examiner.com/article/detroit-strip-club-all-stars-ordered-padlocked-for-one-year>.
- ⁵³ *Newsandtribune.com*. Matt Thacker. February 14, 2012. "Lanesville Man Charged with Sexual Misconduct." Retrieved February 27, 2013, from <http://newsandtribune.com/local/x118841076/Lanesville-man-charged-with-sexual-misconduct>.
- ⁵⁴ *Hometownlife.com*. Sandra Armbruster. March 2, 2013. "\$1M Bond Set in Southfield Human Trafficking Case." Retrieved March 4, 2013, from <http://www.hometownlife.com/article/20130303/NEWS20/303030341/-1M-bond-set-Southfield-human-trafficking-case>.
- ⁵⁵ Texas City Attorneys Association, *supra* note 7, p. v.
- ⁵⁶ University of Texas at Austin, *supra* note 23, p. 116.
- ⁵⁷ Polaris Project. Hostess/Strip Clubs- Labor Trafficking. Retrieved February 27, 2013, from <http://www.polarisproject.org/human-trafficking/labor-trafficking-in-the-us/hostess-a-strip-clubs>.
- ⁵⁸ United States Department of Health and Human Services. Issue Brief. *Evidence-Based Mental Health Treatment for Victims of Human Trafficking*. Erin Williamson, Nicole M. Dutch, and Heather J. Clawson, p. 2. Retrieved February 27, 2013, from <http://aspe.hhs.gov/hsp/07/HumanTrafficking/MentalHealth/index.pdf>.
- ⁵⁹ University of Texas at Austin, *supra* note 23, p. 116.
- ⁶⁰ Melissa Farley. 2006. *Prostitution, Trafficking, and Cultural Amnesia: What We Must Not Know in Order to Keep the Business of Sexual Exploitation Running Smoothly*. Yale Journal of Law and Feminism. Volume 18, number 1: 101-136, 108.
- ⁶¹ Colin A. Ross, Farley, Melissa Farley, and Harvey L. Schwartz. 2003. *Dissociation among Women in Prostitution*. Journal of Trauma Practice. Volume 2, number: 199-212.
- ⁶² Susan G. Sherman, Jacqueline Reuben, Chris Serio Chapman, and Pamela Lilleston. 2011. *Risks Associated with Crack Cocaine Smoking among Exotic Dancers in Baltimore, MD*. Drug & Alcohol Dependence. Volume 114, number 2: 249-252.
- ⁶³ Northeastern University, *supra* note 20, p. 51-52.
- ⁶⁴ University of Texas at Austin, *supra* note 23, p. 83.
- ⁶⁵ *Ibid.*, p. 92.
- ⁶⁶ U.S. Department of Health and Human Services. *Resources: Common Health Issues Seen in Victims of Human Trafficking*. February 27, 2013, from http://www.acf.hhs.gov/sites/default/files/orr/health_problems_seen_in_traffick_victims.pdf.
- ⁶⁷ University of Texas at Austin, *supra* note 23, p. 116.
- ⁶⁸ Naomi Akers. August 2005. *A Pilot Health Assessment of Exotic Dancers in San Francisco*. Retrieved February 25, 2013 from <http://stjamesinfirmary.org/Uploads/SFExoticDancersHealthAssess.pdf>.
- ⁶⁹ St. James Infirmary. What We Do. Retrieved February 25, 2013, from

http://stjamesinfirmar.org/wordpress/?page_id=8.

⁷⁰ Naomi Akers, *supra* note 68.

⁷¹ University of Minnesota, Urban Research and Outreach-Engagement Center. 2012. *Early Intervention to Avoid Sex Trading and Trafficking of Minnesota's Female Youth: A Benefit-Cost Analysis*. Lauren Martin, Richard Lotspeich, and Lauren Stark, p. 23. Retrieved February 27, 2013, from http://www.miwrc.org/system/uploaded_files/0000/0147/Benefit-Cost-Study_Full_Report_9-4-2012.pdf.

⁷² *Ibid.*, p. 49.

⁷³ University of Minnesota, *supra* note 71, pp. 67-68, and vi.

⁷⁴ Texas Local Government Code, *supra* note 4.

⁷⁵ University of Texas at Austin, *supra* note 23, pp. 7-8.

⁷⁶ Peter G. Smith. Presentation to Planning and Zoning for Public Officials and Lawyers, the Center for American and International Law. June 30, 2005. *Regulating the Location of Sexually Oriented Businesses*, p. 4. Retrieved February 28, 2013, from <http://www.njdhs.com/wp-content/uploads/2012/08/Regulating-the-Location-of-Sexually-Oriented-Businesses-by-Joe-Gorfida-Jr.pdf>.

⁷⁷ *Ibid.*, p. 13.

⁷⁸ University of Texas at Austin, *supra* note 23, p. 49.

⁷⁹ *Ibid.*, p. 50.

⁸⁰ Peter G. Smith, *supra* note 76, p. 14.

⁸¹ *Ibid.*, pp.14-15.

⁸² Texas City Attorneys Association, *supra* note 7, p. 46.

⁸³ *Ibid.*, p. 93.

⁸⁴ University of Texas at Austin, *supra* note 23, p. 129.

⁸⁵ *Ibid.*, p. 92.

⁸⁶ KFOX14. Genevieve Curtis. December 10, 2012. "El Paso County Cracks Down on Sexually Oriented Businesses." Retrieved January 7, 2013, from <http://www.kfoxtv.com/news/news/el-paso-county-cracks-down-sexually-oriented-busin/nTR2R/>.

⁸⁷ Houston City Council, *supra* note 22, p. 5.

⁸⁸ *Ibid.*

⁹¹ *Yourtomballnews.com*, *supra* note 1.

⁹² KENS5. Joe Conger. December 7, 2012. "San Antonio City Hall Redefines 'Sexually-oriented Business.'" Retrieved February 27, 2013, from <http://www.kens5.com/home/City-hall-imposes-more-stringent-sexual-business-ordinances-182458732.html>.

⁹³ *ABQJournal*. Dan McKay. October 16, 2012. "New Strip Club Rules Aim to Stop Trafficking." Retrieved February 27, 2013, from <http://www.abqjournal.com/main/2012/10/16/news/new-strip-club-rules-aim-to-stop-trafficking.html>.

⁹⁴ *City of Renton v. Playtime Theatres, Inc.* 475 U.S. 41 (1986). See also University of North Carolina, School of Government. Special Series 15, January 1997. David W. Owens. *Regulating Sexually Oriented Businesses*. Retrieved March 4, 2013, from <http://www.sog.unc.edu/node/1473/#rfn87>.

⁹⁵ *KWTX.com*. March 27, 2008. "Texas Strip Club Where 12-Year-Old Danced Won't Be Closed." Retrieved February 27, 2013, from <http://www.kwtx.com/home/headlines/17062596.html>.

⁹⁶ *Fox News*. March 28, 2008. "Dallas Can't Close Strip Club Where Girl 12, Danced." Retrieved March 5, 2013, from <http://www.foxnews.com/story/0,2933,342690,00.html>.

-
- ⁹⁷ City of Dallas. News Release. May 15, 2008. "Diamonds Cabaret Surrenders Sexually Oriented Business License." Retrieved March 5, 2013, from http://www.dallascityhall.com/pdf/pio/diamond_cabaret_051508.pdf.
- ⁹⁸ Dallas City Code. Chapter 41A (Sexually Oriented Businesses), Section 41A-20.1 (Prohibitions Against Minors in Sexually Oriented Businesses). Retrieved March 5, 2013, from <http://www.ci.dallas.tx.us/cso/resolutions/2008/04-16-08/08-1208.pdf>.
- ⁹⁹ Dallas City Code. Chapter 41A (Sexually Oriented Businesses), Section 41A-4 (License and Designated Operator Required). Retrieved March 5, 2013, from <http://www.ci.dallas.tx.us/cso/resolutions/2008/04-16-08/08-1208.pdf>.
- ¹⁰⁰ KWTX. April 22, 2008. "Tougher Laws Could Target Texas Strip Clubs." Retrieved February 28, 2013, from <http://www.kwtx.com/news/headlines/18021969.html>.
- ¹⁰¹ Texas Human Trafficking Task Force. January 2011. *The Texas Human Trafficking Prevention Task Force Report to the Texas Legislature*. Retrieved February 28, 2013, from https://www.oag.state.tx.us/AG_Publications/pdfs/20121912_htr_fin_3.pdf.
- ¹⁰² Texas HB 2014 (Representative Senfronia Thompson) and HB 290 (Representative Jim Jackson) 82nd Regular Session (2011). Texas Penal Code Section 43.251 (Employment Harmful to Children.)
- ¹⁰³ Texas Human Trafficking Task Force. December 2012. *The Texas Human Trafficking Prevention Task Force Report to the Texas Legislature*, p. 29. Retrieved March 5, 2013, from https://www.oag.state.tx.us/AG_Publications/pdfs/20121912_htr_fin_3.pdf.
- ¹⁰⁴ Houston City Council, *supra* note 22, p. 7.
- ¹⁰⁵ *Ibid.*, p. 5.
- ¹⁰⁶ United States Attorney's Office, *supra* note 44.
- ¹⁰⁷ Houston City Council, *supra* note 22, p. 5.
- ¹⁰⁸ *Ibid.*, p. 6.
- ¹⁰⁹ *Ibid.*, p. 5.
- ¹¹⁰ *Ibid.*
- ¹¹¹ Texas HB 1751 (Representative Ellen Cohen). 80th Regular Session (2007).
- ¹¹² *New York Times*. Manny Fernandez. August 26, 2011. "Strip Club 'Pole Tax' is Upheld in Texas." Retrieved February 27, 2013, from http://www.nytimes.com/2011/08/27/us/27texas.html?_r=0.
- ¹¹³ 09-0481. *Combs v. Texas Entertainment Association, Inc.* (August 26, 2011). Retrieved February 20, 2013, from <http://www.supreme.courts.state.tx.us/historical/2011/aug/090481.pdf>.
- ¹¹⁴ Order List 565 U.S. Monday, January 23, 2012. 11-655. *Texas Entertainment Association, Et Al. v. Susan Combs, Comptroller of Public Accounts, Et Al.* Retrieved February 20, 2013, from <https://certpool.com/dockets/11-655>.
- ¹¹⁵ *New York Times*. Manny Fernandez. August 26, 2011. "Strip Club 'Pole Tax' is Upheld in Texas." Retrieved February 27, 2013, from http://www.nytimes.com/2011/08/27/us/27texas.html?_r=0.
- ¹¹⁶ Houston, Texas, Code of Ordinances Chapter 28 – Miscellaneous Offenses and Provisions, Article XI. Adult Establishment, Section 28-322. Retrieved February 20, 2012, from http://library.municode.com/Archive/10123/188232/HTML/10123/level3/COOR_CH28MIOFPR_ARTXIADES.html#COOR_CH28MIOFPR_ARTXIADES_S28-322FEIMRE.
- ¹¹⁷ *Courthouse News Service*. Cameron Langford. October 15, 2012. "Strip Club Owners Fight Double Taxes." Retrieved February 27, 2013, from <http://www.courthousenews.com/2012/10/15/51266.htm>.
- ¹¹⁸ *Wall Street Journal*. Nathan Koppel. June 27, 2012. "Houston's Strip Clubs Hit by New 'Pole Tax.'" Retrieved February 27, 2013, from <http://online.wsj.com/article/SB10001424052702304830704577492890714972590.html>.
- ¹¹⁹ *Houston Chronicle*. Chris Moran. October 12, 2012. "Strip Clubs File Suit to Stop 'Poll Tax.'"

Retrieved February 27, 2013, from <http://blog.chron.com/houstonpolitics/2012/10/strip-clubs-file-suit-to-stop-pole-tax/>.

¹²⁰ *TheINDYChannel.com*. Drew Smith. February 15, 2013. "Group wants strip club fee to fund programs for rape survivors." Retrieved February 25, 2013, from <http://www.theindychannel.com/news/local-news/group-wants-strip-club-tax-to-fund-programs-for-rape-survivors>.

¹²¹ *Mysouthwestga.com*. January 5, 2009. "Georgia lawmaker weighing strip club fee." Retrieved February 25, 2013, <http://www.mysouthwestga.com/news/story.aspx?id=242389>.

¹²² California Legislature. Bill Analysis. AB 2441 (2012). Retrieved February 25, 2013, from http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_2401-2450/ab_2441_cfa_20120413_114858_asm_comm.html.