

Assembly bill to allow bathhouse shutdowns sent to governor

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Author: Michael Smolens and Daniel C. Carson

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SACRAMENTO -- The Assembly yesterday sent the governor a bill that would allow authorities to shut down bathhouses where homosexual activity may be promoting the spread of AIDS.

The Assembly action came four days after a San Diego Superior Court ruling effectively suspended a city ordinance aimed at closing San Diego's four remaining bathhouses until constitutional issues are resolved.

The bill by Assemblyman Bill Bradley, R-San Marcos, was drafted to block the bathhouses from operating in San Diego, but would also apply statewide.

The measure would declare bathhouses that permit or encourage sexual activity to be declared public nuisances and force their closure.

The proposed state law would expand nuisance abatement statutes that now are used to close businesses where there is illegal gambling, prostitution and lewd activities.

With little debate, the Assembly passed the bill on a 58-0 vote. The measure passed the Senate 22-0 on Thursday. If signed by Gov. Deukmejian, AB 3505 will go into effect Jan. 1.

"We wouldn't have the epidemic we have today" if not for the bathhouses, Bradley said. "We'd have AIDS, but not at the same proportion."

Bradley said the bill would give the city power to close the bathhouses on the grounds that they increase the hazard of AIDS.

A San Diego County Department of Health study of 311 homosexual men who have contracted AIDS between 1985 and 1987 revealed that 79 percent of them had been bathhouse patrons.

Attorney Michael Crowley, who represents two of San Diego's four bathhouses, said on Friday that there is no proof that bathhouses cause the spread of AIDS.

Superior Court Judge G. Dennis Adams granted the four bathhouses a full hearing on their constitutional challenge of the city ordinance. City officials said they will not enforce the ordinance until the legal issue is settled.

AIDS weakens the body's defenses, making common illnesses life-threatening. The deadly disease is primarily spread through homosexual activity between men and the sharing of needles among intravenous drug users. To a lesser extent, AIDS has spread through blood transfusions and heterosexual contact.

Meanwhile, the Senate passed to the Assembly a bill that would give people who test positive for AIDS the same antidiscrimination protection afforded people with other physical disabilities.

In the Assembly, procedural maneuvering delayed the hearing of two measures restricting medical professionals from denying care to people solely because they test positive for AIDS.

In other action yesterday:

o The Assembly voted 56-7 for a bill that automatically extends the life of a building permit for nine months if a jurisdiction passes a slow-growth measure. Under current law, permits can receive a six-month extension.

Originally, SB 2795 by Sen. Jim Ellis, R-San Diego, sought to extend the permits for two years, but opponents said that would circumvent efforts to limit development.

o Members of a two-house conference committee reached tentative agreement on legislation that would require school districts to refund to developers between \$10 million and \$150 million in fees collected to finance construction of new schools. The districts may be partly compensated by the state for the refunds, and an effort is under way to link the bill to a proposed \$1 billion school bond issue that would appear on the 1990 ballot.

o The Senate unanimously sent the governor SB 2479 by Sen. Barry Keene, D-Benicia, a measure preventing public disclosure of certain information about applicants for concealed weapons permits. The bill was inspired by a San Diego court fight over the issue.

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Abstract (Document Summary)

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