

Deukmejian signs bill allowing closure of bathhouses

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SACRAMENTO -- Gov. Deukmejian yesterday signed a bill that will allow authorities to close down bathhouses where sexual activity may be promoting the spread of AIDS.

The bill, which goes into effect Jan. 1, was specifically designed to shut down four homosexual bathhouses operating in San Diego but would also apply to similar businesses throughout the state.

However, two San Diego attorneys said yesterday that the bill is not likely to have a significant effect on the operation of the San Diego bathhouses.

The governor's signature on the bill, carried by Assemblyman Bill Bradley, R-San Marcos, came nearly one month after a San Diego Superior Court ruling effectively suspended a city ordinance aimed at closing the bathhouses until constitutional issues are resolved.

The Bradley bill, which received only one opposing vote in the Legislature, would declare bathhouses that permit or encourage sexual activity to be nuisances and force their closure.

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

"We wouldn't have the epidemic we have today" if not for the bathhouses, Bradley said after his bill was sent to the governor. "We'd have AIDS, but not at the same proportion."

The governor's office announced the signing of the bill but issued no further statement.

"The law by itself isn't earth-shattering," said Assistant City Attorney Joe Schilling, who heads the city's code enforcement unit. "What it boils down to is we still have to thoroughly investigate and get it before a judge. Ultimately it's going to be up to judges to determine whether patrons and owners are contributing to the spread of AIDS."

Attorney Thomas Homann, who represents two gay bathhouses, said it was a virtual certainty that the governor would sign the measure.

"I don't think it really changes anything in San Diego," Homann said. "What they're going to have to prove is that sexual activity is encouraged or permitted. That's pretty much what the local ordinances require now."

The bathhouses' constitutional challenge to the city's ordinance has been granted a full hearing by Superior Court Judge G. Dennis Adams. City officials said they will not enforce the ordinance until the legal issue is settled.

The San Diego city law aims to prohibit sexual activity in bathhouses by imposing strict occupancy, lighting and structural requirements.

Bradley had said the new state law would give the city power to close the bathhouses on the grounds that they increase the hazard of AIDS.

San Diego County Supervisor Susan Golding, an outspoken proponent of bathhouse regulation, hailed the signing.

"It makes our local ordinance stronger," Golding said. "We have to do anything and everything we can to prevent the spread of AIDS."

A 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, has said that there is no proof bathhouses cause the spread of AIDS.

AIDS, acquired immune deficiency syndrome, 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.

Backers of the Bradley bill, AB 3505, say that unlike San Francisco, where bathhouses are out of business and the spread of AIDS has slowed, Southern California's bathhouse business and the rate of newly diagnosed AIDS cases have increased.

Opponents of the bill, which include the American Civil Liberties Union, maintain the measure will restrict people's right to privacy.

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Abstract (Document Summary)

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