

1-1 By: Huffman S.B. No. 315  
 1-2 (In the Senate - Filed January 11, 2021; March 9, 2021, read  
 1-3 first time and referred to Committee on Jurisprudence;  
 1-4 April 22, 2021, reported favorably by the following vote: Yeas 5,  
 1-5 Nays 0; April 22, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Huffman	X			
1-8 Hinojosa	X			
1-9 Creighton	X			
1-10 Hughes	X			
1-11 Johnson	X			

1-13 A BILL TO BE ENTITLED  
 1-14 AN ACT

1-15 relating to restrictions on the age of persons employed by or  
 1-16 allowed on the premises of a sexually oriented business; creating a  
 1-17 criminal offense.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Chapter 106, Alcoholic Beverage Code, is amended  
 1-20 by adding Section 106.17 to read as follows:

1-21 Sec. 106.17. PRESENCE OF CERTAIN MINORS ON PERMITTED OR  
 1-22 LICENSED PREMISES OPERATING AS SEXUALLY ORIENTED BUSINESS. (a) An  
 1-23 individual younger than 18 years of age may not be on premises  
 1-24 covered by a permit or license issued under this code if a sexually  
 1-25 oriented business, as defined by Section 243.002, Local Government  
 1-26 Code, operates on the premises.

1-27 (b) The holder of a permit or license covering a premises  
 1-28 described by Subsection (a) may not knowingly or recklessly allow  
 1-29 an individual younger than 18 years of age to be on the premises.

1-30 (c) Notwithstanding any other provision of this code, if it  
 1-31 is found, after notice and hearing, that a permittee or licensee has  
 1-32 violated Subsection (b) the commission or administrator shall:

1-33 (1) suspend the permit or license for 30 days for the  
 1-34 first violation;

1-35 (2) suspend the permit or license for 60 days for the  
 1-36 second violation; and

1-37 (3) cancel the permit or license for the third  
 1-38 violation.

1-39 SECTION 2. Subchapter A, Chapter 102, Business & Commerce  
 1-40 Code, is amended by adding Section 102.0031 to read as follows:

1-41 Sec. 102.0031. PROHIBITION ON CERTAIN ACTIVITIES BY  
 1-42 BUSINESS IN RELATION TO A CHILD. A sexually oriented business may  
 1-43 not allow an individual younger than 18 years of age to enter the  
 1-44 premises of the business.

1-45 SECTION 3. Section 102.004(a), Business & Commerce Code, is  
 1-46 amended to read as follows:

1-47 (a) The attorney general or appropriate district or county  
 1-48 attorney, in the name of the state, may bring an action for an  
 1-49 injunction or other process against a person who violates or  
 1-50 threatens to violate Section 102.002, ~~or~~ 102.003, or 102.0031.

1-51 SECTION 4. Section 102.005(b), Business & Commerce Code, is  
 1-52 amended to read as follows:

1-53 (b) A sexually oriented business commits an offense if the  
 1-54 business violates Section 102.003 or 102.0031.

1-55 SECTION 5. Section 125.0015(a), Civil Practice and Remedies  
 1-56 Code, is amended to read as follows:

1-57 (a) A person who maintains a place to which persons  
 1-58 habitually go for the following purposes and who knowingly  
 1-59 tolerates the activity and furthermore fails to make reasonable  
 1-60 attempts to abate the activity maintains a common nuisance:

1-61 (1) discharge of a firearm in a public place as

2-1 prohibited by the Penal Code;  
2-2 (2) reckless discharge of a firearm as prohibited by  
2-3 the Penal Code;  
2-4 (3) engaging in organized criminal activity as a  
2-5 member of a combination as prohibited by the Penal Code;  
2-6 (4) delivery, possession, manufacture, or use of a  
2-7 substance or other item in violation of Chapter 481, Health and  
2-8 Safety Code;  
2-9 (5) gambling, gambling promotion, or communicating  
2-10 gambling information as prohibited by the Penal Code;  
2-11 (6) prostitution, promotion of prostitution, or  
2-12 aggravated promotion of prostitution as prohibited by the Penal  
2-13 Code;  
2-14 (7) compelling prostitution as prohibited by the Penal  
2-15 Code;  
2-16 (8) commercial manufacture, commercial distribution,  
2-17 or commercial exhibition of obscene material as prohibited by the  
2-18 Penal Code;  
2-19 (9) aggravated assault as described by Section 22.02,  
2-20 Penal Code;  
2-21 (10) sexual assault as described by Section 22.011,  
2-22 Penal Code;  
2-23 (11) aggravated sexual assault as described by Section  
2-24 22.021, Penal Code;  
2-25 (12) robbery as described by Section 29.02, Penal  
2-26 Code;  
2-27 (13) aggravated robbery as described by Section 29.03,  
2-28 Penal Code;  
2-29 (14) unlawfully carrying a weapon as described by  
2-30 Section 46.02, Penal Code;  
2-31 (15) murder as described by Section 19.02, Penal Code;  
2-32 (16) capital murder as described by Section 19.03,  
2-33 Penal Code;  
2-34 (17) continuous sexual abuse of young child or  
2-35 children as described by Section 21.02, Penal Code;  
2-36 (18) massage therapy or other massage services in  
2-37 violation of Chapter 455, Occupations Code;  
2-38 (19) employing or entering into a contract for the  
2-39 performance of work or the provision of a service with an individual  
2-40 younger than 21 years of age for work or services performed [a  
2-41 minor] at a sexually oriented business as defined by Section  
2-42 243.002, Local Government Code;  
2-43 (20) trafficking of persons as described by Section  
2-44 20A.02, Penal Code;  
2-45 (21) sexual conduct or performance by a child as  
2-46 described by Section 43.25, Penal Code;  
2-47 (22) employment harmful to a child as described by  
2-48 Section 43.251, Penal Code;  
2-49 (23) criminal trespass as described by Section 30.05,  
2-50 Penal Code;  
2-51 (24) disorderly conduct as described by Section 42.01,  
2-52 Penal Code;  
2-53 (25) arson as described by Section 28.02, Penal Code;  
2-54 (26) criminal mischief as described by Section 28.03,  
2-55 Penal Code, that causes a pecuniary loss of \$500 or more; ~~or~~  
2-56 (27) a graffiti offense in violation of Section 28.08,  
2-57 Penal Code; or  
2-58 (28) permitting an individual younger than 18 years of  
2-59 age to enter the premises of a sexually oriented business as defined  
2-60 by Section 243.002, Local Government Code.  
2-61 SECTION 6. Sections 51.016(b), (h), and (i), Labor Code,  
2-62 are amended to read as follows:  
2-63 (b) A sexually oriented business may not employ or enter  
2-64 into a contract, other than a contract described by Subsection (g),  
2-65 for the performance of work or the provision of a service with an  
2-66 individual younger than 21 [18] years of age.  
2-67 (h) The commission, the attorney general, or a local law  
2-68 enforcement agency may inspect a record maintained under this  
2-69 section if there is good reason to believe that an individual

3-1 younger than 21 [~~18~~] years of age is employed or has been employed  
3-2 by, or has entered into a contract, other than a contract described  
3-3 by Subsection (g), for the performance of work or the provision of a  
3-4 service with, the sexually oriented business within the two years  
3-5 preceding the date of the inspection.

3-6 (i) A person commits an offense if the person:

3-7 (1) fails to maintain a record as required by this  
3-8 section; [~~or~~]

3-9 (2) knowingly or intentionally hinders an inspection  
3-10 authorized under Subsection (h); or

3-11 (3) violates Subsection (b).

3-12 SECTION 7. Section 51.031(b), Labor Code, is amended to  
3-13 read as follows:

3-14 (b) An offense under Section 51.014(d), [~~or Section~~  
3-15 51.0145, or 51.016(i)(3) is a Class A misdemeanor.

3-16 SECTION 8. Section 43.251(a)(1), Penal Code, is amended to  
3-17 read as follows:

3-18 (1) "Child" means a person younger than 21 [~~18~~] years  
3-19 of age.

3-20 SECTION 9. The changes in law made by this Act apply only to  
3-21 an offense committed on or after the effective date of this Act. An  
3-22 offense committed before the effective date of this Act is governed  
3-23 by the law in effect on the date the offense was committed, and the  
3-24 former law is continued in effect for that purpose. For purposes of  
3-25 this section, an offense was committed before the effective date of  
3-26 this Act if any element of the offense was committed before that  
3-27 date.

3-28 SECTION 10. This Act takes effect immediately if it  
3-29 receives a vote of two-thirds of all the members elected to each  
3-30 house, as provided by Section 39, Article III, Texas Constitution.  
3-31 If this Act does not receive the vote necessary for immediate  
3-32 effect, this Act takes effect September 1, 2021.

3-33 \* \* \* \* \*