

BILL ANALYSIS

Senate Research Center
78R6437 SMH-D

H.B. 155
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Criminal Justice
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Engrossed

DIGEST AND PURPOSE

Current law does not prohibit a registered sex offender from owning, managing, or working for a sexually oriented business. H.B. 155 prohibits a registered sex offender from owning or working for a sexually oriented business and prohibits sexually oriented businesses from hiring registered sex offenders.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 4, Business & Commerce Code, by adding Chapter 46, as follows:

CHAPTER 46. SEXUALLY ORIENTED BUSINESSES

Sec. 46.001. DEFINITIONS. Defines "sex offender" and "sexually oriented business."

Sec. 46.002. PROHIBITION ON OWNERSHIP, OPERATION OR MANAGEMENT BY OR EMPLOYMENT OF SEX OFFENDER. (a) Prohibits a sex offender from owning wholly or partly or serving as a director, officer, operator, manager, or employee of a sexually oriented business.

(b) Prohibits a sexually oriented business from contracting with a person to operate or manage the business as an independent contractor or employ a person as an officer, operator, manager, or other employee if the business knows the person is a sex offender.

Sec. 46.003. INJUNCTION. (a) Authorizes the attorney general or the appropriate district or county attorney, in the name of the state, to bring an action for an injunction or other process against a person who is violating or threatening to violate Section 46.002. Authorizes the action to be brought in a district court of Travis County or of a county in which any part of the violation or threatened violation occurs.

(b) Authorizes the district court to grant any prohibitory or mandatory relief warranted by the facts, including a temporary restraining order, temporary injunction, or permanent injunction.

Sec. 46.004. CRIMINAL PENALTY. (a) Provides that sex offender commits an offense if the offender violates Section 46.002(a).

(b) Provides that a sexually oriented business commits an offense if the business violates Section 46.002(b).

(c) Provides that an offense under this section is a Class A misdemeanor.

SECTION 2. Effective date: September 1, 2003.