

By: West

H.B. No. 155

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting a sex offender from owning or serving in certain capacities on behalf of a sexually oriented business; creating an offense and providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Business & Commerce Code, is amended by adding Chapter 46 to read as follows:

CHAPTER 46. SEXUALLY ORIENTED BUSINESSES

Sec. 46.001. DEFINITIONS. In this chapter:

(1) "Sex offender" means a person who has been convicted of or placed on deferred adjudication for an offense:

(A) for which a person is subject to registration under Chapter 62, Code of Criminal Procedure; or

(B) under Chapter 21 or 43, Penal Code, or Section 71.02(a)(3), Penal Code, regardless of whether the offense is an offense for which a person is subject to registration under Chapter 62, Code of Criminal Procedure.

(2) "Sexually oriented business" has the meaning assigned by Section 243.002, Local Government Code.

Sec. 46.002. PROHIBITION ON OWNERSHIP, OPERATION, OR MANAGEMENT BY OR EMPLOYMENT OF SEX OFFENDER. (a) A sex offender may not own wholly or partly or serve as a director, officer, operator, manager, or employee of a sexually oriented business.

(b) A sexually oriented business may not contract with a

1 person to operate or manage the business as an independent
2 contractor or employ a person as an officer, operator, manager, or
3 other employee if the business knows the person is a sex offender.

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

11 (b) The district court may grant any prohibitory or
12 mandatory relief warranted by the facts, including a temporary
13 restraining order, temporary injunction, or permanent injunction.

14 Sec. 46.004. CRIMINAL PENALTY. (a) A sex offender commits
15 an offense if the offender violates Section 46.002(a).

16 (b) A sexually oriented business commits an offense if the
17 business violates Section 46.002(b).

18 (c) An offense under this section is a Class A misdemeanor.

19 SECTION 2. This Act takes effect September 1, 2003.