

By: Hochberg

H.B. No. 869

A BILL TO BE ENTITLED

1 AN ACT

2 relating to common nuisances.

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

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

6 (a) A person who knowingly maintains a place to which
7 persons habitually go for the following purposes maintains a common
8 nuisance:

9 (1) discharge of a firearm in a public place as
10 prohibited by the Penal Code;

11 (2) reckless discharge of a firearm as prohibited by
12 the Penal Code;

13 (3) engaging in organized criminal activity as a
14 member of a combination as prohibited by the Penal Code;

15 (4) delivery, possession, manufacture, or use of a
16 controlled substance in violation of Chapter 481, Health and Safety
17 Code;

18 (5) gambling, gambling promotion, or communicating
19 gambling information as prohibited by the Penal Code;

20 (6) prostitution, promotion of prostitution, or
21 aggravated promotion of prostitution as prohibited by the Penal
22 Code;

23 (7) compelling prostitution as prohibited by the Penal
24 Code; [~~or~~]

1 (8) commercial manufacture, commercial distribution,
2 or commercial exhibition of obscene material as prohibited by the
3 Penal Code;

4 (9) aggravated assault as described by Section 22.02,
5 Penal Code;

6 (10) sexual assault as described by Section 22.011,
7 Penal Code;

8 (11) aggravated sexual assault as described by Section
9 22.021, Penal Code;

10 (12) robbery as described by Section 29.02, Penal
11 Code;

12 (13) aggravated robbery as described by Section 29.03,
13 Penal Code;

14 (14) unlawfully carrying a weapon as described by
15 Section 46.02, Penal Code;

16 (15) murder as described by Section 19.02, Penal Code;
17 or

18 (16) capital murder as described by Section 19.03,
19 Penal Code.

20 SECTION 2. The change in law made by this Act applies only
21 to a cause of action that accrues on or after the effective date of
22 this Act. A cause of action that accrues before the effective date
23 of this Act is governed by the law in effect at of action accrued,
24 and that law is continued in effect for that purpose.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2005.