

By: Cohen, Dukes, Delisi, Hartnett,
Van Arsdale, et al.

H.B. No. 1751

A BILL TO BE ENTITLED

AN ACT

relating to the imposition and use of a fee on certain sexually oriented businesses.

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

SECTION 1. Sections 47.001 through 47.004, Business & Commerce Code, are designated as Subchapter A, Chapter 47, Business & Commerce Code, and a heading for Subchapter A is added to read as follows:

SUBCHAPTER A. RESTRICTION ON OWNERS, OPERATORS, MANAGERS, OR
EMPLOYEES OF SEXUALLY ORIENTED BUSINESSES

SECTION 2. Section 47.001, Business & Commerce Code, is amended to read as follows:

Sec. 47.001. DEFINITIONS. In this subchapter [~~chapter~~]:

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

SECTION 3. Chapter 47, Business & Commerce Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. FEE ON ADMISSIONS TO CERTAIN SEXUALLY ORIENTED
BUSINESSES

Sec. 47.051. DEFINITIONS. In this subchapter:

1 (1) "Nude" means:

2 (A) entirely unclothed; or

3 (B) clothed in a manner that leaves uncovered or
4 visible through less than fully opaque clothing any portion of the
5 breasts below the top of the areola of the breasts, if the person is
6 female, or any portion of the genitals or buttocks.

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

9 Sec. 47.052. ADMISSION FEE. A fee is imposed on a sexually
10 oriented business that provides live nude entertainment or
11 performances in an amount equal to \$5 for each entry by each
12 customer admitted to the business.

13 Sec. 47.053. REMISSION OF FEE TO COMPTROLLER; DEPOSIT. (a)
14 A sexually oriented business shall remit the fee imposed by Section
15 47.052 to the comptroller each quarter in the manner prescribed by
16 the comptroller for deposit to the credit of the sexual assault
17 program fund, except as provided by Subsection (b).

18 (b) The comptroller shall deposit any amount received from
19 the fee imposed under this subchapter that exceeds \$18 million in a
20 fiscal biennium to the credit of the general revenue fund.

21 Sec. 47.054. ADMINISTRATION, COLLECTION, AND ENFORCEMENT.
22 The provisions of Subtitle B, Title 2, Tax Code, apply to the
23 administration, payment, collection, and enforcement of the fee
24 imposed by this chapter.

25 SECTION 4. Sections 420.005(a) and (b), Government Code,
26 are amended to read as follows:

27 (a) The attorney general may award grants to programs

1 described by Section 420.008 [~~for maintaining or expanding existing~~
2 ~~services~~]. A grant may not result in the reduction of the financial
3 support a program receives from another source.

4 (b) The attorney general may by rule require that to [~~To~~] be
5 eligible for a grant, certain programs [~~a program~~] must provide at a
6 minimum:

- 7 (1) a 24-hour crisis hotline;
8 (2) crisis intervention;
9 (3) public education;
10 (4) advocacy and accompaniment to hospitals, law
11 enforcement offices, prosecutors' offices, and courts for
12 survivors and their family members; and
13 (5) crisis intervention volunteer training.

14 SECTION 5. Sections 420.008(b) and (c), Government Code,
15 are amended to read as follows:

16 (b) The fund consists of fees collected under:
17 (1) Section 19(e), Article 42.12, Code of Criminal
18 Procedure;
19 (2) [~~, and~~] Section 508.189, Government Code; and
20 (3) Subchapter B, Chapter 47, Business & Commerce
21 Code.

22 (c) The legislature may appropriate money deposited to the
23 credit of the fund only to:

- 24 (1) the attorney general, for:
25 (A) sexual violence prevention campaigns;
26 (B) grants to faith-based groups, independent
27 school districts, and community action organizations for programs

1 for the prevention of sexual assault;

2 (C) grants for equipment for sexual assault nurse
3 examiner programs, to support the preceptorship of future sexual
4 assault nurse examiners, and for the continuing education of sexual
5 assault nurse examiners;

6 (D) grants to increase the level of sexual
7 assault services in this state;

8 (E) grants to support victim assistance
9 coordinators; and

10 (F) grants to support technology in rape crisis
11 centers;

12 (2) the Department of State Health Services, to
13 measure the prevalence of sexual assault in this state;

14 (3) the Institute on Domestic Violence and Sexual
15 Assault at The University of Texas at Austin, to conduct research on
16 all aspects of sexual assault and domestic violence;

17 (4) Texas State University, for training and technical
18 assistance to independent school districts for campus safety;

19 (5) the office of the governor, for grants to support
20 sexual assault prosecution projects;

21 (6) the Department of Public Safety, to support sexual
22 assault training for the Texas Rangers;

23 (7) the Texas Department of Criminal Justice:

24 (A) for increasing the capacity of the sex
25 offender civil commitment program;

26 (B) for pilot projects for monitoring sex
27 offenders on parole; and

1 (C) for increasing the number of adult
2 incarcerated sex offenders receiving treatment; and

3 (8) the Texas Youth Commission, for increasing the
4 number of incarcerated juvenile sex offenders receiving treatment
5 [to finance the grant program created by this chapter].

6 SECTION 6. The fee imposed by Section 47.052, Business &
7 Commerce Code, as added by this Act, applies only to a customer
8 admitted to a sexually oriented business on or after the effective
9 date of this Act.

10 SECTION 7. This Act takes effect September 1, 2007.