

1-1 By: Cohen, et al. (Senate Sponsor - West) H.B. No. 1751  
1-2 (In the Senate - Received from the House May 10, 2007;  
1-3 May 14, 2007, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 18, 2007, reported favorably by  
1-5 the following vote: Yeas 3, Nays 0; May 18, 2007, sent to  
1-6 printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to the imposition and use of a fee on certain sexually  
1-10 oriented businesses.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Sections 47.001 through 47.004, Business &  
1-13 Commerce Code, are designated as Subchapter A, Chapter 47, Business  
1-14 & Commerce Code, and a heading for Subchapter A is added to read as  
1-15 follows:

1-16 SUBCHAPTER A. RESTRICTION ON OWNERS, OPERATORS, MANAGERS, OR  
1-17 EMPLOYEES OF SEXUALLY ORIENTED BUSINESSES

1-18 SECTION 2. Section 47.001, Business & Commerce Code, is  
1-19 amended to read as follows:

1-20 Sec. 47.001. DEFINITIONS. In this subchapter [~~chapter~~]:

1-21 (1) "Sex offender" means a person who has been  
1-22 convicted of or placed on deferred adjudication for an offense for  
1-23 which a person is subject to registration under Chapter 62, Code of  
1-24 Criminal Procedure.

1-25 (2) "Sexually oriented business" has the meaning  
1-26 assigned by Section 243.002, Local Government Code.

1-27 SECTION 3. Chapter 47, Business & Commerce Code, is amended  
1-28 by adding Subchapter B to read as follows:

1-29 SUBCHAPTER B. FEE ON ADMISSIONS TO CERTAIN SEXUALLY ORIENTED  
1-30 BUSINESSES

1-31 Sec. 47.051. DEFINITIONS. In this subchapter:

1-32 (1) "Nude" means:

1-33 (A) entirely unclothed; or

1-34 (B) clothed in a manner that leaves uncovered or  
1-35 visible through less than fully opaque clothing any portion of the  
1-36 breasts below the top of the areola of the breasts, if the person is  
1-37 female, or any portion of the genitals or buttocks.

1-38 (2) "Sexually oriented business" has the meaning  
1-39 assigned by Section 243.002, Local Government Code.

1-40 Sec. 47.052. ADMISSION FEE. A fee is imposed on a sexually  
1-41 oriented business that provides live nude entertainment or  
1-42 performances in an amount equal to \$5 for each entry by each  
1-43 customer admitted to the business.

1-44 Sec. 47.053. REMISSION OF FEE TO COMPTROLLER; DEPOSIT. (a)  
1-45 A sexually oriented business shall remit the fee imposed by Section  
1-46 47.052 to the comptroller each quarter in the manner prescribed by  
1-47 the comptroller for deposit to the credit of the sexual assault  
1-48 program fund, except as provided by Subsection (b).

1-49 (b) The comptroller shall deposit any amount received from  
1-50 the fee imposed under this subchapter that exceeds \$18 million in a  
1-51 fiscal biennium to the credit of the general revenue fund.

1-52 Sec. 47.054. ADMINISTRATION, COLLECTION, AND ENFORCEMENT.  
1-53 The provisions of Subtitle B, Title 2, Tax Code, apply to the  
1-54 administration, payment, collection, and enforcement of the fee  
1-55 imposed by this chapter.

1-56 SECTION 4. Sections 420.005(a) and (b), Government Code,  
1-57 are amended to read as follows:

1-58 (a) The attorney general may award grants to programs  
1-59 described by Section 420.008 [~~for maintaining or expanding existing~~  
1-60 services]. A grant may not result in the reduction of the financial  
1-61 support a program receives from another source.

1-62 (b) The attorney general may by rule require that to [~~To~~] be  
1-63 eligible for a grant, certain programs [~~a program~~] must provide at a  
1-64 minimum:

- 2-1 (1) a 24-hour crisis hotline;
- 2-2 (2) crisis intervention;
- 2-3 (3) public education;
- 2-4 (4) advocacy and accompaniment to hospitals, law
- 2-5 enforcement offices, prosecutors' offices, and courts for
- 2-6 survivors and their family members; and
- 2-7 (5) crisis intervention volunteer training.

2-8 SECTION 5. Sections 420.008(b) and (c), Government Code,  
2-9 are amended to read as follows:

2-10 (b) The fund consists of fees collected under:

- 2-11 (1) Section 19(e), Article 42.12, Code of Criminal
- 2-12 Procedure;
- 2-13 (2) ~~[-and]~~ Section 508.189, Government Code; and
- 2-14 (3) Subchapter B, Chapter 47, Business & Commerce
- 2-15 Code.

2-16 (c) The legislature may appropriate money deposited to the  
2-17 credit of the fund only to:

- 2-18 (1) the attorney general, for:
  - 2-19 (A) sexual violence prevention campaigns;
  - 2-20 (B) grants to faith-based groups, independent
  - 2-21 school districts, and community action organizations for programs
  - 2-22 for the prevention of sexual assault;
  - 2-23 (C) grants for equipment for sexual assault nurse
  - 2-24 examiner programs, to support the preceptorship of future sexual
  - 2-25 assault nurse examiners, and for the continuing education of sexual
  - 2-26 assault nurse examiners;
  - 2-27 (D) grants to increase the level of sexual
  - 2-28 assault services in this state;
  - 2-29 (E) grants to support victim assistance
  - 2-30 coordinators; and
  - 2-31 (F) grants to support technology in rape crisis
  - 2-32 centers;
- 2-33 (2) the Department of State Health Services, to
- 2-34 measure the prevalence of sexual assault in this state;
- 2-35 (3) the Institute on Domestic Violence and Sexual
- 2-36 Assault at The University of Texas at Austin, to conduct research on
- 2-37 all aspects of sexual assault and domestic violence;
- 2-38 (4) Texas State University, for training and technical
- 2-39 assistance to independent school districts for campus safety;
- 2-40 (5) the office of the governor, for grants to support
- 2-41 sexual assault prosecution projects;
- 2-42 (6) the Department of Public Safety, to support sexual
- 2-43 assault training for the Texas Rangers;
- 2-44 (7) the Texas Department of Criminal Justice:
  - 2-45 (A) for increasing the capacity of the sex
  - 2-46 offender civil commitment program;
  - 2-47 (B) for pilot projects for monitoring sex
  - 2-48 offenders on parole; and
  - 2-49 (C) for increasing the number of adult
  - 2-50 incarcerated sex offenders receiving treatment; and
  - 2-51 (8) the Texas Youth Commission, for increasing the
  - 2-52 number of incarcerated juvenile sex offenders receiving treatment
  - 2-53 ~~[to finance the grant program created by this chapter].~~

2-54 SECTION 6. The fee imposed by Section 47.052, Business &  
2-55 Commerce Code, as added by this Act, applies only to a customer  
2-56 admitted to a sexually oriented business on or after the effective  
2-57 date of this Act.

2-58 SECTION 7. This Act takes effect September 1, 2007.

2-59 \* \* \* \* \*