

BILL ANALYSIS

C.S.H.B. 123
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

C.S.H.B. 123 adds the Employment Harmful to Children Act to the list of acts that constitute a common nuisance. By adding Employment Harmful to Children to the common nuisance definitions, law enforcement will have an additional tool to prevent children from being employed in sexually oriented businesses.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Section 125.0015(a) Civil Practices and Remedies Code, by adding Section 43.251, Penal Code, to the list of acts that constitute a common nuisance.

SECTION 2. Makes the application of this Act prospective.

SECTION 3. Effective Date: September 1, 2009

EFFECTIVE DATE

September 1, 2009

COMPARISON OF ORIGINAL TO SUBSTITUTE

In addition to including Employment Harmful to a Child in the common nuisance laws, C.S.H.B. 123 adds several other activities that place children at risk of harm. C.S.H.B. 123 provides that a person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerate the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance, including employing a minor at a sexually oriented business as defined by Section 243.002 (Definition), Local Government Code; trafficking of persons as described by Section 20A.02 (Trafficking of Persons), Penal Code; and sexual conduct or performance by a child as described by Section 43.25 (Sexual Performance by a Child), Penal Code.