

## **BILL ANALYSIS**

H.B. 3094  
By: Harless  
County Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The number of "day spa" massage parlors in the unincorporated portion of Harris County has dramatically increased. While some of these establishments are providing legitimate massage services, many are fronts for illegal activities, such as prostitution and human trafficking. These illegal activities jeopardize the health and safety of Harris County residents. The county does not currently have the ability to regulate massage parlors where the illegal acts occur. Law enforcement officers are often met with locked doors when they try to investigate, leaving them unable to enter an establishment to investigate a complaint.

H.B. 3094 authorizes the commissioners court of a county with a population of 3.3 million or more to regulate massage parlors to ensure the health, safety, and well-being of area residents.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3094 amends the Local Government Code to authorize the commissioners court of a county with a population of 3.3 million or more to prohibit or to otherwise regulate massage parlors located in the unincorporated area of a county to promote public health, safety, and welfare. The bill authorizes a district or county attorney to bring suit to enjoin the operation of a massage parlor in violation or threatened violation of a prohibition or other regulation adopted by a county. The bill makes a person who violates a prohibition or regulation adopted by the county regarding massage parlors liable to the county for a civil penalty of not more than \$1,000 for each violation, and establishes that each day a violation continues is considered a separate violation for purposes of assessing the civil penalty. The bill authorizes a county to bring suit in a district court to recover such a civil penalty. The bill makes it a Class A misdemeanor to intentionally or knowingly operate a massage parlor in violation of a prohibition or regulation adopted by a commissioners court. The bill specifies that a county's authority under these provisions is cumulative of other authority that a county has to regulate massage parlors and does not limit that other authority. The bill defines "massage parlor," "nude," and "sexual contact."

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.