

By: Jackson

H.B. No. 123

A BILL TO BE ENTITLED

AN ACT

relating to activities that constitute common nuisance.

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

SECTION 1. Section 125.0015(a), Civil Practice and Remedies Code, as amended by Chapters 593 (H.B. 8) and 1399 (H.B. 2644), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to read as follows:

(a) A person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance:

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

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

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

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

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

(6) prostitution, promotion of prostitution, or aggravated promotion of prostitution as prohibited by the Penal

1 Code;
2 (7) compelling prostitution as prohibited by the Penal
3 Code;
4 (8) commercial manufacture, commercial distribution,
5 or commercial exhibition of obscene material as prohibited by the
6 Penal Code;
7 (9) aggravated assault as described by Section 22.02,
8 Penal Code;
9 (10) sexual assault as described by Section 22.011,
10 Penal Code;
11 (11) aggravated sexual assault as described by Section
12 22.021, Penal Code;
13 (12) robbery as described by Section 29.02, Penal
14 Code;
15 (13) aggravated robbery as described by Section 29.03,
16 Penal Code;
17 (14) unlawfully carrying a weapon as described by
18 Section 46.02, Penal Code;
19 (15) murder as described by Section 19.02, Penal Code;
20 (16) capital murder as described by Section 19.03,
21 Penal Code; ~~[or]~~
22 (17) continuous sexual abuse of young child or
23 children as described by Section 21.02, Penal Code;
24 (18) [~~(17)~~] message therapy or other message services
25 in violation of Chapter 455, Occupations Code; or
26 (19) as described by Section 43.251, Penal Code, the
27 employment, authorization, or inducement of a child to work:

1 (A) in a sexually oriented commercial activity;

2 or

3 (B) in a place of business permitting,
4 requesting, or requiring a child to work nude or topless.

5 SECTION 2. The change in law made by this Act applies only
6 to a cause of action that accrues on or after the effective date of
7 this Act. A cause of action that accrues before the effective date
8 of this Act is governed by the law in effect immediately before that
9 date, and that law is continued in effect for that purpose.

10 SECTION 3. This Act takes effect September 1, 2009.