

1-1 By: Harless, Riddle, Alvarado H.B. No. 3094
1-2 (Senate Sponsor - Patrick)
1-3 (In the Senate - Received from the House April 23, 2009;
1-4 April 24, 2009, read first time and referred to Committee on
1-5 Criminal Justice; May 23, 2009, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-7 May 23, 2009, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 3094 By: Patrick

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to the regulation of massage parlors by counties;
1-12 providing penalties.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-14 SECTION 1. Chapter 234, Local Government Code, is amended
1-15 by adding Subchapter D to read as follows:

1-16 SUBCHAPTER D. MASSAGE PARLORS

1-17 Sec. 234.101. DEFINITIONS. In this subchapter:

1-18 (1) "Massage parlor" means a business establishment
1-19 that purports to provide massage services and that allows:

1-20 (A) a nude person to provide massage services to
1-21 a customer;

1-22 (B) a person to engage in sexual contact for
1-23 compensation; or

1-24 (C) a person to provide massage services in
1-25 clothing intended to arouse or gratify the sexual desire of any
1-26 person.

1-27 (2) "Nude" and "sexual contact" have the meanings
1-28 assigned by Section 455.202, Occupations Code.

1-29 Sec. 234.102. AUTHORITY TO REGULATE. To promote public
1-30 health, safety, and welfare, the commissioners court of a county by
1-31 order may prohibit or otherwise regulate massage parlors located in
1-32 the unincorporated area of the county.

1-33 Sec. 234.103. INJUNCTION. If a massage parlor has
1-34 previously violated a prohibition or other regulation adopted under
1-35 this subchapter, a district or county attorney may bring suit to
1-36 enjoin the operation of a massage parlor in violation or threatened
1-37 violation of a prohibition or other regulation adopted under this
1-38 subchapter.

1-39 Sec. 234.104. CIVIL PENALTY. (a) A person who violates a
1-40 prohibition or regulation adopted by the county under this
1-41 subchapter is liable to the county for a civil penalty of not more
1-42 than \$1,000 for each violation. Each day a violation continues is
1-43 considered a separate violation for purposes of assessing the civil
1-44 penalty.

1-45 (b) A county may bring suit in a district court to recover a
1-46 civil penalty authorized by Subsection (a).

1-47 Sec. 234.105. CRIMINAL PENALTY. (a) A person commits an
1-48 offense if the person intentionally or knowingly operates a massage
1-49 parlor in violation of a prohibition or regulation adopted under
1-50 this subchapter by the commissioners court.

1-51 (b) An offense under this section is a Class A misdemeanor.

1-52 Sec. 234.106. CUMULATIVE EFFECT. Authority under this
1-53 subchapter is cumulative of other authority that a county has to
1-54 regulate massage parlors and does not limit that other authority.

1-55 Sec. 234.107. EFFECT ON OTHER LAWS. (a) This subchapter
1-56 does not legalize anything prohibited under the Penal Code or other
1-57 state law.

1-58 (b) A person who is subject to prosecution under this
1-59 section and any other law may be prosecuted under either or both
1-60 laws.

1-61 SECTION 2. This Act takes effect immediately if it receives
1-62 a vote of two-thirds of all the members elected to each house, as
1-63 provided by Section 39, Article III, Texas Constitution. If this

2-1 Act does not receive the vote necessary for immediate effect, this
2-2 Act takes effect September 1, 2009.

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