

AN ACT

relating to requiring a sexually oriented business to maintain certain photographic identification records; providing a criminal penalty.

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

SECTION 1. Subchapter B, Chapter 51, Labor Code, is amended by adding Section 51.016 to read as follows:

Sec. 51.016. SEXUALLY ORIENTED BUSINESSES. (a) In this section, "sexually oriented business" has the meaning assigned by Section 243.002, Local Government Code.

(b) A sexually oriented business may not employ an individual younger than 18 years of age.

(c) A sexually oriented business shall maintain at the business a record that contains a copy of a valid proof of identification of each employee or independent contractor working at the premises of the business.

(d) A proof of identification satisfies the requirements of Subsection (c) if the identification:

(1) contains a physical description and photograph consistent with the person's appearance;

(2) contains the date of birth of the person; and

(3) was issued by a government agency.

(e) The form of identification under Subsection (c) may include:

1 (1) a driver's license issued by this state or another
2 state;

3 (2) a passport; or

4 (3) an identification card issued by this or another
5 state or the federal government.

6 (f) A sexually oriented business shall maintain a record
7 under this section for at least two years after the date the
8 employee or independent contractor ends employment with or a
9 contractual obligation to the business.

10 (g) The requirements of Subsections (c) and (f) do not apply
11 with regard to an independent contractor who contracts with a
12 sexually oriented business solely to perform repair, maintenance,
13 or construction services at the business.

14 (h) The commission, the attorney general, or a local law
15 enforcement agency may inspect a record maintained under this
16 section if there is good reason to believe that an individual
17 younger than 18 years of age is employed or has been employed by the
18 sexually oriented business within the two years preceding the date
19 of the inspection.

20 (i) A person commits an offense if the person:

21 (1) fails to maintain a record as required by this
22 section; or

23 (2) knowingly or intentionally hinders an inspection
24 authorized under Subsection (h).

25 SECTION 2. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 707 passed the Senate on April 9, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 707 passed the House on May 26, 2009, by the following vote: Yeas 144, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor