

By: Nelson

S.B. No. 707

A BILL TO BE ENTITLED

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 a child.

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

1 state;

2 (2) a passport; or

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

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

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

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

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

19 (1) fails to maintain a record as required by this  
20 section; or

21 (2) knowingly or intentionally hinders an inspection  
22 authorized under Subsection (h).

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