

1-1 By: Nelson, Deuell S.B. No. 707
1-2 (In the Senate - Filed February 6, 2009; February 25, 2009,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 30, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; March 30, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 707 By: Whitmire

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to requiring a sexually oriented business to maintain
1-11 certain photographic identification records; providing a criminal
1-12 penalty.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter B, Chapter 51, Labor Code, is amended
1-15 by adding Section 51.016 to read as follows:

1-16 Sec. 51.016. SEXUALLY ORIENTED BUSINESSES. (a) In this
1-17 section, "sexually oriented business" has the meaning assigned by
1-18 Section 243.002, Local Government Code.

1-19 (b) A sexually oriented business may not employ an
1-20 individual younger than 18 years of age.

1-21 (c) A sexually oriented business shall maintain at the
1-22 business a record that contains a copy of a valid proof of
1-23 identification of each employee or independent contractor working
1-24 at the premises of the business.

1-25 (d) A proof of identification satisfies the requirements of
1-26 Subsection (c) if the identification:

1-27 (1) contains a physical description and photograph
1-28 consistent with the person's appearance;

1-29 (2) contains the date of birth of the person; and

1-30 (3) was issued by a government agency.

1-31 (e) The form of identification under Subsection (c) may
1-32 include:

1-33 (1) a driver's license issued by this state or another
1-34 state;

1-35 (2) a passport; or

1-36 (3) an identification card issued by this or another
1-37 state or the federal government.

1-38 (f) A sexually oriented business shall maintain a record
1-39 under this section for at least two years after the date the
1-40 employee or independent contractor ends employment with or a
1-41 contractual obligation to the business.

1-42 (g) The requirements of Subsections (c) and (f) do not apply
1-43 with regard to an independent contractor who contracts with a
1-44 sexually oriented business solely to perform repair, maintenance,
1-45 or construction services at the business.

1-46 (h) The commission, the attorney general, or a local law
1-47 enforcement agency may inspect a record maintained under this
1-48 section if there is good reason to believe that an individual
1-49 younger than 18 years of age is employed or has been employed by the
1-50 sexually oriented business within the two years preceding the date
1-51 of the inspection.

1-52 (i) A person commits an offense if the person:

1-53 (1) fails to maintain a record as required by this
1-54 section; or

1-55 (2) knowingly or intentionally hinders an inspection
1-56 authorized under Subsection (h).

1-57 SECTION 2. This Act takes effect September 1, 2009.

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