

By: Nelson, et al.

S.B. No. 709

Substitute the following for S.B. No. 709:

By: Lewis

C.S.S.B. No. 709

A BILL TO BE ENTITLED

1 AN ACT
2 relating to activity that constitutes maintaining a common
3 nuisance.

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

5 SECTION 1. Section 125.0015, Civil Practice and Remedies
6 Code, is amended by reenacting and amending Subsection (a), as
7 amended by Chapters 593 (H.B. 8) and 1399 (H.B. 2644), Acts of the
8 80th Legislature, Regular Session, 2007, and adding Subsection (c)
9 to read as follows:

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

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

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

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

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

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

1 (6) prostitution, promotion of prostitution, or
2 aggravated promotion of prostitution as prohibited by the Penal
3 Code;

4 (7) compelling prostitution as prohibited by the Penal
5 Code;

6 (8) commercial manufacture, commercial distribution,
7 or commercial exhibition of obscene material as prohibited by the
8 Penal Code;

9 (9) aggravated assault as described by Section 22.02,
10 Penal Code;

11 (10) sexual assault as described by Section 22.011,
12 Penal Code;

13 (11) aggravated sexual assault as described by Section
14 22.021, Penal Code;

15 (12) robbery as described by Section 29.02, Penal
16 Code;

17 (13) aggravated robbery as described by Section 29.03,
18 Penal Code;

19 (14) unlawfully carrying a weapon as described by
20 Section 46.02, Penal Code;

21 (15) murder as described by Section 19.02, Penal Code;

22 (16) capital murder as described by Section 19.03,
23 Penal Code; ~~[or]~~

24 (17) continuous sexual abuse of young child or
25 children as described by Section 21.02, Penal Code;

26 (18) ~~[(17)]~~ massage therapy or other massage services
27 in violation of Chapter 455, Occupations Code;

1 (19) employing a minor at a sexually oriented business
2 as defined by Section 243.002, Local Government Code;

3 (20) trafficking of persons as described by Section
4 20A.02, Penal Code;

5 (21) sexual conduct or performance by a child as
6 described by Section 43.25, Penal Code; or

7 (22) employment harmful to a child as described by
8 Section 43.251, Penal Code.

9 (c) A person who maintains a business described by Section
10 243.002, Local Government Code, without obtaining a license or
11 permit required by a municipality or county in which the business is
12 located maintains a common nuisance.

13 SECTION 2. The change in law made by this Act applies only
14 to a cause of action that accrues on or after the effective date of
15 this Act. A cause of action that accrues before the effective date
16 of this Act is governed by the law in effect immediately before the
17 effective date of this Act, and that law is continued in effect for
18 that purpose.

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