

1-1 By: Nelson, Deuell S.B. No. 709
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 26, 2009, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; March 26, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to activity that constitutes maintaining a common
1-9 nuisance.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 125.0015, Civil Practice
1-12 and Remedies Code, as amended by Chapters 593 (H.B. 8) and 1399
1-13 (H.B. 2644), Acts of the 80th Legislature, Regular Session, 2007,
1-14 is reenacted and amended to read as follows:

1-15 (a) A person who maintains a place to which persons
1-16 habitually go for the following purposes and who knowingly
1-17 tolerates the activity and furthermore fails to make reasonable
1-18 attempts to abate the activity maintains a common nuisance:

1-19 (1) discharge of a firearm in a public place as
1-20 prohibited by the Penal Code;

1-21 (2) reckless discharge of a firearm as prohibited by
1-22 the Penal Code;

1-23 (3) engaging in organized criminal activity as a
1-24 member of a combination as prohibited by the Penal Code;

1-25 (4) delivery, possession, manufacture, or use of a
1-26 controlled substance in violation of Chapter 481, Health and Safety
1-27 Code;

1-28 (5) gambling, gambling promotion, or communicating
1-29 gambling information as prohibited by the Penal Code;

1-30 (6) prostitution, promotion of prostitution, or
1-31 aggravated promotion of prostitution as prohibited by the Penal
1-32 Code;

1-33 (7) compelling prostitution as prohibited by the Penal
1-34 Code;

1-35 (8) commercial manufacture, commercial distribution,
1-36 or commercial exhibition of obscene material as prohibited by the
1-37 Penal Code;

1-38 (9) aggravated assault as described by Section 22.02,
1-39 Penal Code;

1-40 (10) sexual assault as described by Section 22.011,
1-41 Penal Code;

1-42 (11) aggravated sexual assault as described by Section
1-43 22.021, Penal Code;

1-44 (12) robbery as described by Section 29.02, Penal
1-45 Code;

1-46 (13) aggravated robbery as described by Section 29.03,
1-47 Penal Code;

1-48 (14) unlawfully carrying a weapon as described by
1-49 Section 46.02, Penal Code;

1-50 (15) murder as described by Section 19.02, Penal Code;

1-51 (16) capital murder as described by Section 19.03,
1-52 Penal Code; ~~or~~

1-53 (17) continuous sexual abuse of young child or
1-54 children as described by Section 21.02, Penal Code;

1-55 (18) ~~(17)~~ massage therapy or other massage services
1-56 in violation of Chapter 455, Occupations Code;

1-57 (19) employing a minor at a sexually oriented business
1-58 as defined by Section 243.002, Local Government Code;

1-59 (20) trafficking of persons as described by Section
1-60 20A.02, Penal Code;

1-61 (21) sexual conduct or performance by a child as
1-62 described by Section 43.25, Penal Code; or

1-63 (22) employment harmful to a child as described by
1-64 Section 43.251, Penal Code.

2-1 SECTION 2. The change in law made by this Act applies only
2-2 to a cause of action that accrues on or after the effective date of
2-3 this Act. A cause of action that accrues before the effective date
2-4 of this Act is governed by the law in effect immediately before that
2-5 date, and that law is continued in effect for that purpose.

2-6 SECTION 3. This Act takes effect September 1, 2009.

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