

1-1 By: Jackson, et al. (Senate Sponsor - Nelson) H.B. No. 289
1-2 (In the Senate - Received from the House April 11, 2011;
1-3 April 20, 2011, read first time and referred to Committee on
1-4 Criminal Justice; May 19, 2011, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 19, 2011, 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. Section 125.0015(a), Civil Practice and Remedies
1-12 Code, is amended to read as follows:

1-13 (a) A person who maintains a place to which persons
1-14 habitually go for the following purposes and who knowingly
1-15 tolerates the activity and furthermore fails to make reasonable
1-16 attempts to abate the activity maintains a common nuisance:

1-17 (1) discharge of a firearm in a public place as
1-18 prohibited by the Penal Code;

1-19 (2) reckless discharge of a firearm as prohibited by
1-20 the Penal Code;

1-21 (3) engaging in organized criminal activity as a
1-22 member of a combination as prohibited by the Penal Code;

1-23 (4) delivery, possession, manufacture, or use of a
1-24 controlled substance in violation of Chapter 481, Health and Safety
1-25 Code;

1-26 (5) gambling, gambling promotion, or communicating
1-27 gambling information as prohibited by the Penal Code;

1-28 (6) prostitution, promotion of prostitution, or
1-29 aggravated promotion of prostitution as prohibited by the Penal
1-30 Code;

1-31 (7) compelling prostitution as prohibited by the Penal
1-32 Code;

1-33 (8) commercial manufacture, commercial distribution,
1-34 or commercial exhibition of obscene material as prohibited by the
1-35 Penal Code;

1-36 (9) aggravated assault as described by Section 22.02,
1-37 Penal Code;

1-38 (10) sexual assault as described by Section 22.011,
1-39 Penal Code;

1-40 (11) aggravated sexual assault as described by Section
1-41 22.021, Penal Code;

1-42 (12) robbery as described by Section 29.02, Penal
1-43 Code;

1-44 (13) aggravated robbery as described by Section 29.03,
1-45 Penal Code;

1-46 (14) unlawfully carrying a weapon as described by
1-47 Section 46.02, Penal Code;

1-48 (15) murder as described by Section 19.02, Penal Code;

1-49 (16) capital murder as described by Section 19.03,
1-50 Penal Code;

1-51 (17) continuous sexual abuse of young child or
1-52 children as described by Section 21.02, Penal Code; ~~or~~

1-53 (18) massage therapy or other massage services in
1-54 violation of Chapter 455, Occupations Code;

1-55 (19) employing a minor at a sexually oriented business
1-56 as defined by Section 243.002, Local Government Code;

1-57 (20) trafficking of persons as described by Section
1-58 20A.02, Penal Code;

1-59 (21) sexual conduct or performance by a child as
1-60 described by Section 43.25, Penal Code; or

1-61 (22) employment harmful to a child as described by
1-62 Section 43.251, Penal Code.

1-63 SECTION 2. The change in law made by this Act applies only
1-64 to a cause of action that accrues on or after the effective date of

2-1 this Act. A cause of action that accrues before the effective date
2-2 of this Act is governed by the law in effect immediately before that
2-3 date, and that law is continued in effect for that purpose.
2-4 SECTION 3. This Act takes effect September 1, 2011.

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