

Amend CSHB 2552 (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 125.001, Civil Practice and Remedies Code, is amended by adding Subdivisions (1-a) and (4) to read as follows:

(1-a) "Computer network" means the interconnection of two or more computers or computer systems by satellite, microwave, line, or other communication medium with the capability to transmit information between the computers.

(4) "Web address" means a website operating on the Internet.

SECTION _____. Section 125.0015, Civil Practice and Remedies Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) A person operating a web address or computer network in connection with an activity described by Subsection (a)(3), (a)(6), (a)(7), (a)(10), (a)(11), (a)(17), (a)(18), (a)(19), (a)(20), (a)(21), or (a)(22) maintains a common nuisance.

(d) Subsection (c) does not apply to:

(1) a provider of remote computing services or electronic communication services to the public;

(2) a provider of an interactive computer service as defined by 47 U.S.C. Section 230;

(3) an Internet service provider;

(4) a search engine operator;

(5) a browsing or hosting company;

(6) an operating system provider; or

(7) a device manufacturer.

(e) This section does not apply to an activity exempted, authorized, or otherwise lawful activity regulated by federal law.

SECTION _____. Subchapter A, Chapter 125, Civil Practice and Remedies Code, is amended by adding Section 125.0025 to read as follows:

Sec. 125.0025. SUIT TO DECLARE CERTAIN COMMON NUISANCES.

(a) A suit to declare that a person operating a web address or computer network is maintaining a common nuisance may be brought by

an individual, by the attorney general, or by a district, county, or city attorney.

(b) Except as provided by Section 125.003(d), on a finding that a web address or computer network is a common nuisance, the sole remedy available is a judicial finding issued to the attorney general.

(c) The attorney general may:

(1) notify Internet service providers, search engine operators, browsing or hosting companies, or device manufacturers on which applications are hosted of the judicial finding issued to the attorney general under Subsection (b) to determine if the persons notified are able to offer technical assistance to the attorney general in a manner consistent with 47 U.S.C. Section 230; or

(2) post the judicial finding issued to the attorney general under Subsection (b) on the attorney general's Internet website.

SECTION _____. The heading to Section 125.002, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 125.002. SUIT TO ABATE CERTAIN COMMON NUISANCES [~~NUISANCE~~]; BOND.

SECTION _____. Sections 125.002(a), (g), and (h), Civil Practice and Remedies Code, are amended to read as follows:

(a) A suit to enjoin and abate a common nuisance described by Section 125.0015(a) or (b) may be brought by an individual, by the attorney general, or by a district, county, or city attorney. The suit must be brought in the county in which it is alleged to exist against the person who is maintaining or about to maintain the nuisance. The suit must be brought in the name of the state if brought by the attorney general or a district or county attorney, in the name of the city if brought by a city attorney, or in the name of the individual if brought by a private citizen. Verification of the petition or proof of personal injury by the acts complained of need not be shown. For purposes of this subsection, personal injury may include economic or monetary loss.

(g) In an action brought under this chapter, other than an action brought under Section 125.0025, the petitioner may file a

notice of lis pendens and a certified copy of an order of the court in the office of the county clerk in each county in which the land is located. The notice of lis pendens must conform to the requirements of Section 12.007, Property Code, and constitutes notice as provided by Section 13.004, Property Code. A certified copy of an order of the court filed in the office of the county clerk constitutes notice of the terms of the order and is binding on subsequent purchasers and lienholders.

(h) A person who may bring a suit under Subsection (a) [~~Section 125.0015~~] shall consider, among other factors, whether the property owner, the owner's authorized representative, or the operator or occupant of the business, dwelling, or other place where the criminal acts occurred:

(1) promptly notifies the appropriate governmental entity or the entity's law enforcement agency of the occurrence of criminal acts on the property; and

(2) cooperates with the governmental entity's law enforcement investigation of criminal acts occurring at the property.