

By: Wu, Davis of Harris, Thierry,
Thompson of Harris

H.B. No. 715

Substitute the following for H.B. No. 715:

By: Smithee

C.S.H.B. No. 715

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the occurrence on certain premises of certain
3 activities that may constitute a common nuisance.

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

5 SECTION 1. Subchapter A, Chapter 125, Civil Practice and
6 Remedies Code, is amended by adding Section 125.0017 to read as
7 follows:

8 Sec. 125.0017. NOTICE OF ARREST FOR CERTAIN ACTIVITIES. If
9 a law enforcement agency makes an arrest related to an activity
10 described by Section 125.0015(a)(6) or (7) that occurs at property
11 leased to a person operating a massage establishment as defined by
12 Section 455.001, Occupations Code, not later than the seventh day
13 after the date of the arrest, the law enforcement agency shall
14 provide written notice by certified mail to the property owner of
15 the arrest.

16 SECTION 2. Section 125.004, Civil Practice and Remedies
17 Code, is amended by adding Subsection (a-1) and amending Subsection
18 (d) to read as follows:

19 (a-1) If the defendant is a landowner who leases real estate
20 to a person operating a massage establishment as defined by Section
21 455.001, Occupations Code, proof that an activity described by
22 Section 125.0015(a)(6) or (7) was committed at the massage
23 establishment after notice of an arrest was provided to the
24 landowner in accordance with Section 125.0017 is prima facie

1 evidence that the defendant knowingly tolerated the activity.

2 (d) Notwithstanding Subsections [~~Subsection~~] (a) and (a-1),
3 evidence that the defendant, the defendant's authorized
4 representative, or another person acting at the direction of the
5 defendant or the defendant's authorized representative requested
6 law enforcement or emergency assistance with respect to an activity
7 at the place where the common nuisance is allegedly maintained is
8 not admissible for the purpose of showing the defendant tolerated
9 the activity or failed to make reasonable attempts to abate the
10 activity alleged to constitute the nuisance but may be admitted for
11 other purposes, such as showing that a crime listed in Section
12 [125.0015](#) occurred. Evidence that the defendant refused to
13 cooperate with law enforcement or emergency services with respect
14 to the activity is admissible. The posting of a sign prohibiting
15 the activity alleged is not conclusive evidence that the owner did
16 not tolerate the activity.

17 SECTION 3. The change in law made by this Act applies only
18 to a cause of action that accrues on or after the effective date of
19 this Act. A cause of action that accrues before the effective date
20 of this Act is governed by the law applicable to the cause of action
21 immediately before the effective date of this Act, and that law is
22 continued in effect for that purpose.

23 SECTION 4. This Act takes effect September 1, 2017.