

By: Wu

H.B. No. 715

A BILL TO BE ENTITLED

AN ACT

relating to evidence in a suit to abate certain common nuisances.

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

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

(a-1) If the defendant is a landowner who leases real estate to a person operating a massage establishment as defined by Section 455.001, Occupations Code, proof that an activity described by Section 125.0015(a)(6) or (7) is committed at the massage establishment is prima facie evidence that the defendant knowingly tolerated the activity.

(d) Notwithstanding Subsections [~~Subsection~~] (a) and (a-1), evidence that the defendant, the defendant's authorized representative, or another person acting at the direction of the defendant or the defendant's authorized representative requested law enforcement or emergency assistance with respect to an activity at the place where the common nuisance is allegedly maintained is not admissible for the purpose of showing the defendant tolerated the activity or failed to make reasonable attempts to abate the activity alleged to constitute the nuisance but may be admitted for other purposes, such as showing that a crime listed in Section 125.0015 occurred. Evidence that the defendant refused to cooperate with law enforcement or emergency services with respect

1 to the activity is admissible. The posting of a sign prohibiting
2 the activity alleged is not conclusive evidence that the owner did
3 not tolerate the activity.

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

10 SECTION 3. This Act takes effect September 1, 2017.