

By: Smithee

H.B. No. 2770

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the declaration of a common nuisance involving a
3 computer network or web address.

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

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

8 (1-a) "Computer network" means the interconnection of
9 two or more computers or computer systems by satellite, microwave,
10 line, or other communication medium with the capability to transmit
11 information among the computers.

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

14 SECTION 2. Section 125.0015, Civil Practice and Remedies
15 Code, is amended by adding Subsection (c) to read as follows:

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

21 SECTION 3. Subchapter A, Chapter 125, Civil Practice and
22 Remedies Code, is amended by adding Section 125.0025 to read as
23 follows:

24 Sec. 125.0025. SUIT TO DECLARE CERTAIN COMMON NUISANCES.

1 (a) A suit to declare that a person operating a web address or
2 computer network is maintaining a common nuisance may be brought by
3 an individual, by the attorney general, or by a district, county, or
4 city attorney.

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

9 (c) The attorney general may:

10 (1) notify Internet service providers, search engine
11 operators, browsing or hosting companies, or device manufacturers
12 on which applications are hosted of the judicial finding issued to
13 the attorney general under Subsection (b); or

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

17 SECTION 4. The heading to Section 125.002, Civil Practice
18 and Remedies Code, is amended to read as follows:

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

21 SECTION 5. Sections 125.002(a), (g), and (h), Civil
22 Practice and Remedies Code, are amended to read as follows:

23 (a) A suit to enjoin and abate a common nuisance described
24 by Section 125.0015(a) or (b) may be brought by an individual, by
25 the attorney general, or by a district, county, or city attorney.
26 The suit must be brought in the county in which it is alleged to
27 exist against the person who is maintaining or about to maintain the

1 nuisance. The suit must be brought in the name of the state if
2 brought by the attorney general or a district or county attorney, in
3 the name of the city if brought by a city attorney, or in the name of
4 the individual if brought by a private citizen. Verification of the
5 petition or proof of personal injury by the acts complained of need
6 not be shown. For purposes of this subsection, personal injury may
7 include economic or monetary loss.

8 (g) In an action brought under this chapter, other than an
9 action brought under Section 125.0025, the petitioner may file a
10 notice of lis pendens and a certified copy of an order of the court
11 in the office of the county clerk in each county in which the land is
12 located. The notice of lis pendens must conform to the requirements
13 of Section 12.007, Property Code, and constitutes notice as
14 provided by Section 13.004, Property Code. A certified copy of an
15 order of the court filed in the office of the county clerk
16 constitutes notice of the terms of the order and is binding on
17 subsequent purchasers and lienholders.

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

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

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

1 property.

2 SECTION 6. This Act takes effect September 1, 2017.