

By: Miller

H.B. No. 2846

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the employment of certain individuals at a sexually
3 oriented business.

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

5 SECTION 1. Section [125.0015](#)(a), Civil Practice and Remedies
6 Code, is amended to read as follows:

7 (a) A person who maintains a place to which persons
8 habitually go for the following purposes and who knowingly
9 tolerates the activity and furthermore fails to make reasonable
10 attempts to abate the activity maintains a common nuisance:

11 (1) discharge of a firearm in a public place as
12 prohibited by the Penal Code;

13 (2) reckless discharge of a firearm as prohibited by
14 the Penal Code;

15 (3) engaging in organized criminal activity as a
16 member of a combination as prohibited by the Penal Code;

17 (4) delivery, possession, manufacture, or use of a
18 controlled substance in violation of Chapter [481](#), Health and Safety
19 Code;

20 (5) gambling, gambling promotion, or communicating
21 gambling information as prohibited by the Penal Code;

22 (6) prostitution, promotion of prostitution, or
23 aggravated promotion of prostitution as prohibited by the Penal
24 Code;

- 1 (7) compelling prostitution as prohibited by the Penal
2 Code;
- 3 (8) commercial manufacture, commercial distribution,
4 or commercial exhibition of obscene material as prohibited by the
5 Penal Code;
- 6 (9) aggravated assault as described by Section 22.02,
7 Penal Code;
- 8 (10) sexual assault as described by Section 22.011,
9 Penal Code;
- 10 (11) aggravated sexual assault as described by Section
11 22.021, Penal Code;
- 12 (12) robbery as described by Section 29.02, Penal
13 Code;
- 14 (13) aggravated robbery as described by Section 29.03,
15 Penal Code;
- 16 (14) unlawfully carrying a weapon as described by
17 Section 46.02, Penal Code;
- 18 (15) murder as described by Section 19.02, Penal Code;
- 19 (16) capital murder as described by Section 19.03,
20 Penal Code;
- 21 (17) continuous sexual abuse of young child or
22 children as described by Section 21.02, Penal Code;
- 23 (18) massage therapy or other massage services in
24 violation of Chapter 455, Occupations Code;
- 25 (19) employing an individual younger than 21 years of
26 age [~~a minor~~] at a sexually oriented business as defined by Section
27 243.002, Local Government Code;

1 (20) trafficking of persons as described by Section
2 [20A.02](#), Penal Code;

3 (21) sexual conduct or performance by a child as
4 described by Section [43.25](#), Penal Code; or

5 (22) employment harmful to a child as described by
6 Section [43.251](#), Penal Code.

7 SECTION 2. Sections [51.016](#)(b) and (h), Labor Code, are
8 amended to read as follows:

9 (b) A sexually oriented business may not employ an
10 individual younger than 21 [~~18~~] years of age.

11 (h) The commission, the attorney general, or a local law
12 enforcement agency may inspect a record maintained under this
13 section if there is good reason to believe that an individual
14 younger than 21 [~~18~~] years of age is employed or has been employed
15 by the sexually oriented business within the two years preceding
16 the date of the inspection.

17 SECTION 3. Section [43.251](#)(a)(1), Penal Code, is amended to
18 read as follows:

19 (1) "Child" means a person younger than 21 [~~18~~] years
20 of age.

21 SECTION 4. The change in law made by this Act to Section
22 [125.0015](#), Civil Practice and Remedies Code, applies only to a cause
23 of action that accrues on or after the effective date of this Act. A
24 cause of action that accrues before the effective date of this Act
25 is governed by the law in effect immediately before that date, and
26 the former law is continued in effect for that purpose.

27 SECTION 5. The changes in law made by this Act to Section

1 51.016, Labor Code, and Section 43.251, Penal Code, apply only to an
2 offense committed on or after the effective date of this Act. An
3 offense committed before the effective date of this Act is governed
4 by the law in effect on the date the offense was committed, and the
5 former law is continued in effect for that purpose. For purposes of
6 this section, an offense was committed before the effective date of
7 this Act if any element of the offense occurred before that date.

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