

By: Thompson of Harris

H.B. No. 2171

A BILL TO BE ENTITLED

AN ACT

relating to activities that constitute the criminal offense of maintaining or assisting in maintaining a common nuisance.

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

SECTION 1. Section 101.70, Alcoholic Beverage Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) In this section, "common nuisance" means:

(1) a [A] room, building, boat, structure, or other place where alcoholic beverages are sold, bartered, manufactured, stored, possessed, or consumed in violation of this code or under circumstances contrary to the purposes of this code, the beverages themselves, and all property kept or used in the place; or

(2) a licensed or permitted premises where solicitation of persons for immoral or sexual purposes is permitted  
~~[, are a common nuisance].~~

(a-1) A person ~~[who maintains or assists in maintaining the nuisance]~~ commits an offense if the person:

(1) maintains a common nuisance; or

(2) assists in maintaining a common nuisance.

(a-2) A solicitation under Subsection (a)(2) is presumed if an alcoholic beverage is sold or offered for sale for an amount in excess of the license or permit holder's listed, advertised, or customary price. The presumption may be rebutted only by evidence

1 presented under oath.

2           SECTION 2. The change in law made by this Act applies only  
3 to an offense committed on or after the effective date of this Act.  
4 An offense committed before the effective date of this Act is  
5 governed by the law in effect on the date the offense was committed,  
6 and the former law is continued in effect for that purpose. For  
7 purposes of this section, an offense was committed before the  
8 effective date of this Act if any element of the offense occurred  
9 before that date.

10           SECTION 3. This Act takes effect September 1, 2019.