

BILL ANALYSIS

H.B. 1655
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Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Last session, the Texas Legislature voted to increase the age to purchase tobacco to 21 years old, the same age requirement as purchasing alcohol. These changes were made in order to reflect the values of Texans and to protect young people who engage in behaviors that pose a high risk to their health and safety. It has been reported that activity around sexually oriented businesses is often linked to human trafficking and prostitution, with young people being particularly vulnerable to human trafficking, and there are calls to strengthen prevention measures for these young and vulnerable individuals. H.B. 1655 seeks to address these calls by establishing crimes and civil prohibitions intended to deter persons younger than 18 from being on the premises of sexually oriented businesses and prevent such a business from entering into a contract with a person younger than 21 years of age for performance of work at the business.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1655 amends the Alcoholic Beverage Code to prohibit an individual younger than 18 years of age from being on premises covered by a permit or license under the Alcoholic Beverage Code if a sexually oriented business operates on the premises. The bill prohibits the holder of such a permit or license from knowingly or recklessly allowing an individual younger than 18 years of age on the premises. The bill requires the Texas Alcoholic Beverage Commission or administrator, if it is found after notice and hearing that a permittee or licensee has violated the prohibition, to suspend for 30 days, suspend for 60 days, or cancel the permit or license depending on the number of violations.

H.B. 1655 amends the Business & Commerce Code to create a Class A misdemeanor offense for a sexually oriented business that allows an individual younger than 18 years of age to enter the premises of the business. The bill authorizes the attorney general or appropriate district or county attorney to bring an action for an injunction or other process against a person who commits or threatens to commit such an offense.

H.B. 1655 amends the Penal Code to change the definition of "child" from a person younger than 18 years of age to a person younger than 21 years of age for the purposes of employment considered harmful to children.

H.B. 1655 amends the Labor Code to prohibit a sexually oriented business from entering into a contract for the performance of work or the provision of a service with an individual younger than 21 years of age, rather than younger than 18 years of age, but creates an exemption for an independent contractor solely performing repair, maintenance, or construction services at the business. The bill creates a Class A misdemeanor offense for a sexually oriented business that violates the prohibition.

H.B. 1655 amends the Civil Practice and Remedies Code to establish that a person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerates and fails to make reasonable attempts to abate the following activities is considered to maintain a common nuisance:

- employing or entering into a contract for the performance of work or the provision of a service with an individual younger than 21 years of age for work or services performed at a sexually oriented business; or
- permitting an individual younger than 18 years of age to enter the premises of a sexually oriented business.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.