87R742 BRG-F

By:  Ortega H.B. No. 167

A BILL TO BE ENTITLED

AN ACT

relating to common and public nuisances.

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

SECTION 1.  Section 125.002, Civil Practice and Remedies Code, is amended by adding Subsection (c-1) and amending Subsection (d) to read as follows:

(c-1)  A court may issue a temporary restraining order, temporary injunction, or permanent injunction in a suit under this section.

(d)  A person who violates a temporary restraining order, temporary injunction, or permanent injunction issued [~~injunctive order~~] under this subchapter is subject to the following sentences for civil contempt:

(1)  a fine of not less than $1,000 or more than $10,000;

(2)  confinement in jail for a term of not less than 10 or more than 30 days; or

(3)  both fine and confinement.

SECTION 2.  Subchapter C, Chapter 125, Civil Practice and Remedies Code, is amended by adding Section 125.0451 to read as follows:

Sec. 125.0451.  TEMPORARY RESTRAINING ORDER. (a) A court may issue a temporary restraining order without a formal hearing in a suit under Section 125.002 only if the person seeking the temporary restraining order shows in an ex parte hearing that a place is maintained in a manner that is a common nuisance or about to become a common nuisance.

(b)  A temporary restraining order issued under this section may not last for a period of more than 14 days.

(c)  A temporary restraining order issued under this section is not:

(1)  an injunctive order for the purposes of Section 125.003 or 125.045; or

(2)  a determination by the court that a person is maintaining a common nuisance for the purposes of Section 125.046.

SECTION 3.  Sections 125.047(c) and (d), Civil Practice and Remedies Code, are amended to read as follows:

(c)  A municipality may [~~shall~~] create a fund as a separate account in the treasury of the municipality.

(d)  If a municipality creates a fund under this section, the [~~The~~] fund consists of:

(1)  money awarded the municipality in an action under this chapter;

(2)  money awarded the municipality under a settlement to an action under this chapter;

(3)  fines resulting from code enforcement citations issued by the municipality for conduct defined as a common or public nuisance under this chapter;

(4)  bonds forfeited to the municipality under this chapter; and

(5)  donations or grants made to the municipality for the purpose of nuisance abatement.

SECTION 4.  Section 125.002, Civil Practice and Remedies Code, as amended by this Act, and Section 125.0451, Civil Practice and Remedies Code, as added by this Act, apply only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5.  This Act takes effect September 1, 2021.