

By: Thierry

H.B. No. 166

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to restrictions on the age of persons employed by or  
3 allowed on the premises of a sexually oriented business; creating a  
4 criminal offense.

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

6 SECTION 1. Chapter 106, Alcoholic Beverage Code, is amended  
7 by adding Section 106.17 to read as follows:

8 Sec. 106.17. PRESENCE OF MINOR ON PERMITTED OR LICENSED  
9 PREMISES OPERATING AS SEXUALLY ORIENTED BUSINESS. (a) A minor may  
10 not be on premises covered by a permit or license issued under this  
11 code if a sexually oriented business, as defined by Section  
12 243.002, Local Government Code, operates on the premises.

13 (b) The holder of a permit or license covering a premises  
14 described by Subsection (a) may not knowingly or recklessly allow a  
15 minor to be on the premises.

16 (c) Notwithstanding any other provision of this code, if it  
17 is found, after notice and hearing, that a permittee or licensee has  
18 violated Subsection (b) the commission or administrator shall:

19 (1) suspend the permit or license for 30 days for the  
20 first violation;

21 (2) suspend the permit or license for 60 days for the  
22 second violation; and

23 (3) cancel the permit or license for the third  
24 violation.

1 SECTION 2. Subchapter A, Chapter 102, Business & Commerce  
2 Code, is amended by adding Section 102.0031 to read as follows:

3 Sec. 102.0031. PROHIBITION ON CERTAIN ACTIVITIES BY  
4 BUSINESS IN RELATION TO A CHILD. A sexually oriented business may  
5 not allow an individual younger than 21 years of age to enter the  
6 premises of the business.

7 SECTION 3. Section 102.004(a), Business & Commerce Code, is  
8 amended to read as follows:

9 (a) The attorney general or appropriate district or county  
10 attorney, in the name of the state, may bring an action for an  
11 injunction or other process against a person who violates or  
12 threatens to violate Section 102.002, ~~or~~ 102.003, or 102.0031.

13 SECTION 4. Section 102.005(b), Business & Commerce Code, is  
14 amended to read as follows:

15 (b) A sexually oriented business commits an offense if the  
16 business violates Section 102.003 or 102.0031.

17 SECTION 5. Section 125.0015(a), Civil Practice and Remedies  
18 Code, is amended to read as follows:

19 (a) A person who maintains a place to which persons  
20 habitually go for the following purposes and who knowingly  
21 tolerates the activity and furthermore fails to make reasonable  
22 attempts to abate the activity maintains a common nuisance:

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

25 (2) reckless discharge of a firearm as prohibited by  
26 the Penal Code;

27 (3) engaging in organized criminal activity as a

1 member of a combination as prohibited by the Penal Code;

2 (4) delivery, possession, manufacture, or use of a  
3 substance or other item in violation of Chapter 481, Health and  
4 Safety Code;

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

7 (6) prostitution, promotion of prostitution, or  
8 aggravated promotion of prostitution as prohibited by the Penal  
9 Code;

10 (7) compelling prostitution as prohibited by the Penal  
11 Code;

12 (8) commercial manufacture, commercial distribution,  
13 or commercial exhibition of obscene material as prohibited by the  
14 Penal Code;

15 (9) aggravated assault as described by Section 22.02,  
16 Penal Code;

17 (10) sexual assault as described by Section 22.011,  
18 Penal Code;

19 (11) aggravated sexual assault as described by Section  
20 22.021, Penal Code;

21 (12) robbery as described by Section 29.02, Penal  
22 Code;

23 (13) aggravated robbery as described by Section 29.03,  
24 Penal Code;

25 (14) unlawfully carrying a weapon as described by  
26 Section 46.02, Penal Code;

27 (15) murder as described by Section 19.02, Penal Code;

- 1           (16) capital murder as described by Section 19.03,  
2 Penal Code;
- 3           (17) continuous sexual abuse of young child or  
4 children as described by Section 21.02, Penal Code;
- 5           (18) massage therapy or other massage services in  
6 violation of Chapter 455, Occupations Code;
- 7           (19) employing an individual younger than 21 years of  
8 age [~~a minor~~] at a sexually oriented business as defined by Section  
9 243.002, Local Government Code;
- 10           (20) trafficking of persons as described by Section  
11 20A.02, Penal Code;
- 12           (21) sexual conduct or performance by a child as  
13 described by Section 43.25, Penal Code;
- 14           (22) employment harmful to a child as described by  
15 Section 43.251, Penal Code;
- 16           (23) criminal trespass as described by Section 30.05,  
17 Penal Code;
- 18           (24) disorderly conduct as described by Section 42.01,  
19 Penal Code;
- 20           (25) arson as described by Section 28.02, Penal Code;
- 21           (26) criminal mischief as described by Section 28.03,  
22 Penal Code, that causes a pecuniary loss of \$500 or more; [~~or~~]
- 23           (27) a graffiti offense in violation of Section 28.08,  
24 Penal Code; or
- 25           (28) permitting an individual younger than 21 years of  
26 age to remain on the premises of a sexually oriented business as  
27 defined by Section 243.002, Local Government Code.

1 SECTION 6. Sections 51.016(b), (h), and (i), Labor Code,  
2 are amended to read as follows:

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

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

11 (i) A person commits an offense if the person:

12 (1) fails to maintain a record as required by this  
13 section; [~~or~~]

14 (2) knowingly or intentionally hinders an inspection  
15 authorized under Subsection (h); or

16 (3) violates Subsection (b).

17 SECTION 7. Section 51.031(b), Labor Code, is amended to  
18 read as follows:

19 (b) An offense under Section 51.014(d), [~~or Section~~]  
20 51.0145, or 51.016(i)(3) is a Class A misdemeanor.

21 SECTION 8. Section 43.251(a)(1), Penal Code, is amended to  
22 read as follows:

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

25 SECTION 9. The changes in law made by this Act apply only to  
26 an offense committed on or after the effective date of this Act. An  
27 offense committed before the effective date of this Act is governed

1 by the law in effect on the date the offense was committed, and the  
2 former law is continued in effect for that purpose. For purposes of  
3 this section, an offense was committed before the effective date of  
4 this Act if any element of the offense was committed before that  
5 date.

6 SECTION 10. This Act takes effect immediately if it  
7 receives a vote of two-thirds of all the members elected to each  
8 house, as provided by Section 39, Article III, Texas Constitution.  
9 If this Act does not receive the vote necessary for immediate  
10 effect, this Act takes effect September 1, 2021.