

By: Bowers

H.B. No. 3338

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to activities the tolerance of which may constitute  
3 maintenance of a common nuisance.

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 substance or other item in violation of Chapter [481](#), Health and  
19 Safety 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 a minor at a sexually oriented business  
26 as defined by Section 243.002, Local Government Code;
- 27          (20) trafficking of persons as described by Section

1 20A.02, Penal Code;

2 (21) sexual conduct or performance by a child as  
3 described by Section 43.25, Penal Code;

4 (22) employment harmful to a child as described by  
5 Section 43.251, Penal Code;

6 (23) criminal trespass as described by Section 30.05,  
7 Penal Code;

8 (24) disorderly conduct as described by Section 42.01,  
9 Penal Code;

10 (25) arson as described by Section 28.02, Penal Code;

11 (26) criminal mischief as described by Section 28.03,  
12 Penal Code, that causes a pecuniary loss of \$500 or more; [~~or~~]

13 (27) a graffiti offense in violation of Section 28.08,  
14 Penal Code; or

15 (28) burglary of vehicles in violation of Section  
16 30.04, Penal Code.

17 SECTION 2. The change in law made by this Act applies only  
18 to a cause of action that accrues on or after the effective date of  
19 this Act.

20 SECTION 3. This Act takes effect September 1, 2021.