

By: Huffman

S.B. No. 766

A BILL TO BE ENTITLED

AN ACT

relating to requiring sexually oriented businesses to participate in the federal electronic verification of employment authorization program, or E-verify; creating a criminal offense.

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

SECTION 1. Section 51.016, Labor Code, is amended by amending Subsections (a), (c), (d), (e), and (h) and adding Subsection (j) to read as follows:

(a) In this section:

(1) "E-verify program" has the meaning assigned by Section 673.001, Government Code.

(2) "Sexually[~~, "sexually~~] oriented business" has the meaning assigned by Section 243.002, Local Government Code.

(c) A sexually oriented business shall:

(1) maintain at the business a record that contains a copy of a valid proof of identification of each employee ~~or~~ and independent contractor working at the premises of the business; and

(2) register and participate in the E-verify program to verify information of all employees and independent contractors.

(d) A proof of identification satisfies the requirements of Subsection (c)(1) if the identification:

(1) contains a physical description and photograph consistent with the person's appearance;

(2) contains the date of birth of the person; and

1           (3) was issued by a government agency.

2           (e) The form of identification under Subsection (c)(1) may  
3 include:

4           (1) a driver's license issued by this state or another  
5 state;

6           (2) a passport; or

7           (3) an identification card issued by this or another  
8 state or the federal government.

9           (h) The commission, the attorney general, or a ~~local~~ law  
10 enforcement agency may inspect a record maintained under this  
11 section and request proof of E-verify program information  
12 verification if there is good reason to believe that an individual  
13 younger than 18 years of age is employed or has been employed by the  
14 sexually oriented business within the ~~two~~ five years preceding the  
15 date of the inspection.

16           (j) A person commits an offense if the person fails to  
17 register and participate in the E-verify program as required by  
18 Subsection (c)(2).

19           SECTION 2. The change in law made by this Act applies only  
20 to an employee of a sexually oriented business who commences  
21 employment with the business on or after the effective date of this  
22 Act.

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