

BILL ANALYSIS

H.B. 444
By: Thompson, Senfronia
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to Children at Risk, in 2018, approximately 689 illicit massage businesses (IMBs) were identified in Texas, many of which were within a mile of a school. At that time, 35,000 Texas school children attended school within 1,000 feet of an IMB. As of May 2022, Demand Disruption reports that number has nearly doubled to 1,325 suspected IMBs in Texas. In a traditional police sting operation, the women who are victimized by these establishments are most commonly subjected to criminal punishment, while the owners of IMBs profit from the criminal conduct and skirt accountability. Victims forced to work in IMBs are often isolated, traumatized, and terrified of their traffickers and face language barriers that make it difficult for them to understand and trust law enforcement. Most local attorneys who bring civil actions against IMBs have focused on gaining injunctions against the businesses and shutting them down. While this is a promising method of reducing IMBs without relying on victim testimony, owners often simply open another IMB under a different name, either at the same location or nearby. In addition, when fees are collected, there is no formal process or destination for their allocation. H.B. 444 seeks to address these issues by requiring fees recovered by a district, county, or municipal attorney for violations of state law regulating massage therapy in an action brought against an alleged IMB to be deposited to the applicable county's or municipality's general fund. By ensuring that fees go back into the locality, local attorneys can justify devotion of resources to civil actions against IMBs.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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. 444 amends the Occupations Code to require a civil penalty recovered by a district or county attorney in an action filed against a person who violates state laws or rules regulating massage therapy to be deposited to the credit of the general fund of the county where the court is located. The bill requires a civil penalty recovered by a municipal attorney in such an action to be deposited to the credit of the municipality's general fund.

EFFECTIVE DATE

September 1, 2023.