88R2493 AJA-D

By:  Bowers H.B. No. 569

A BILL TO BE ENTITLED

AN ACT

relating to activities the tolerance of which may constitute maintenance of a common nuisance.

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

SECTION 1.  Section 125.0015(a), Civil Practice and Remedies Code, is amended to read as follows:

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

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

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

(3)  engaging in organized criminal activity as a member of a combination as prohibited by the Penal Code;

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

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

(6)  prostitution as described by Section 43.02, Penal Code, solicitation of prostitution as described by Section 43.021, Penal Code, promotion of prostitution as described by Section 43.03, Penal Code, or aggravated promotion of prostitution as described by Section 43.04, Penal Code;

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

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

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

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

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

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

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

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

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

(16)  capital murder as described by Section 19.03, Penal Code;

(17)  continuous sexual abuse of young child or disabled individual as described by Section 21.02, Penal Code;

(18)  massage therapy or other massage services in violation of Chapter 455, Occupations Code;

(19)  employing or entering into a contract for the performance of work or the provision of a service with an individual younger than 21 years of age for work or services performed at a sexually oriented business as defined by Section 243.002, Local Government Code;

(20)  trafficking of persons as described by Section 20A.02, Penal Code;

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

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

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

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

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

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

(27)  a graffiti offense in violation of Section 28.08, Penal Code; [~~or~~]

(28)  permitting an individual younger than 18 years of age to enter the premises of a sexually oriented business as defined by Section 243.002, Local Government Code; or

(29)  burglary of vehicles in violation of Section 30.04, Penal Code.

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

SECTION 3.  This Act takes effect September 1, 2023.