

By: Bowers

H.B. No. 569

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 as described by Section [43.02](#), Penal
23 Code, solicitation of prostitution as described by Section [43.021](#),
24 Penal Code, promotion of prostitution as described by Section

1 43.03, Penal Code, or aggravated promotion of prostitution as
2 described by Section 43.04, Penal Code;

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

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

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

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

12 (11) aggravated sexual assault as described by Section
13 22.021, Penal Code;

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

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

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

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

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

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

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

27 (19) employing or entering into a contract for the

1 performance of work or the provision of a service with an individual
2 younger than 21 years of age for work or services performed at a
3 sexually oriented business as defined by Section 243.002, Local
4 Government Code;

5 (20) trafficking of persons as described by Section
6 20A.02, Penal Code;

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

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

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

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

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

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

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

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

23 (29) burglary of vehicles in violation of Section
24 30.04, Penal Code.

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

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