

By: Blanco

S.B. No. 21

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county attorney or district attorney to enforce human trafficking awareness and prevention in commercial lodging establishments.

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

SECTION 1. Section 114.0102, Business & Commerce Code, is amended to read as follows:

Sec. 114.0102. OPPORTUNITY TO CURE. If the attorney general or the county or district attorney of the county in which a commercial lodging establishment is located has reason to believe an operator of a commercial lodging establishment has violated this chapter, the attorney general, county attorney, or district attorney shall provide written notice to the operator that:

(1) describes the operator's violation;

(2) states that the commercial lodging establishment may be liable for a civil penalty if the operator does not cure the violation before the 30th day after the date the operator receives the notice; and

(3) includes the maximum potential civil penalty that may be imposed for the violation.

SECTION 2. Section 114.0104, Business & Commerce Code, is amended to read as follows:

Sec. 114.0104. ACTION BY ATTORNEY GENERAL OR COUNTY OR DISTRICT ATTORNEY. (a) The attorney general or a county attorney

1 or district attorney may bring an action in the name of the state:

2 (1) to recover a civil penalty imposed under Section
3 [114.0103](#); or

4 (2) for injunctive relief to require compliance with
5 this chapter.

6 (b) An action under this section by the attorney general may
7 be brought in a district court in:

8 (1) Travis County; or

9 (2) a county in which any part of the violation or
10 threatened violation occurs.

11 (b-1) A county attorney or district attorney shall notify
12 the attorney general before bringing an action under this section.
13 Notice under this subsection must be in a form and manner prescribed
14 by the attorney general.

15 (b-2) An action under this section by a county attorney or
16 district attorney shall be brought in a district court in a county
17 in which any part of the violation or threatened violation occurs.

18 (c) The attorney general, county attorney, or district
19 attorney may recover reasonable expenses incurred in obtaining
20 injunctive relief or a civil penalty under this section, including
21 court costs, reasonable attorney's fees, and investigatory costs.

22 (d) A civil penalty recovered by a county attorney or
23 district attorney under this section is payable to the county in
24 which the district court that heard the action is located.

25 SECTION 3. This Act takes effect on the 91st day after the
26 last day of the legislative session.