

1-1 By: Hernandez (Senate Sponsor - Huffman) H.B. No. 240  
 1-2 (In the Senate - Received from the House April 27, 2017;  
 1-3 May 10, 2017, read first time and referred to Committee on Criminal  
 1-4 Justice; May 19, 2017, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
 1-6 May 19, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Whitmire	X			
1-9 Huffman	X			
1-10 Birdwell			X	
1-11 Burton	X			
1-12 Creighton	X			
1-13 Garcia	X			
1-14 Hughes	X			
1-15 Menéndez	X			
1-16 Perry			X	

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 240 By: Whitmire

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to evidence in a suit to abate certain common nuisances.  
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-23 SECTION 1. Section 125.004, Civil Practice and Remedies  
 1-24 Code, is amended by adding Subsections (a-1), (a-2), and (e) to read  
 1-25 as follows:  
 1-26 (a-1) Proof in the form of a person's arrest or the  
 1-27 testimony of a law enforcement agent that an activity described by  
 1-28 Section 125.0015(a)(6) or (7) is committed at a place licensed as a  
 1-29 massage establishment under Chapter 455, Occupations Code, or  
 1-30 advertised as offering massage therapy or massage services is prima  
 1-31 facie evidence that the defendant knowingly tolerated the activity.  
 1-32 (a-2) Proof that an activity described by Section  
 1-33 125.0015(a)(18) is committed at a place maintained by the defendant  
 1-34 is prima facie evidence that the defendant:  
 1-35 (1) knowingly tolerated the activity; and  
 1-36 (2) did not make a reasonable attempt to abate the  
 1-37 activity.  
 1-38 (e) Evidence of a previous suit filed under this chapter  
 1-39 that resulted in a judgment against a landowner with respect to an  
 1-40 activity described by Section 125.0015 at the landowner's property  
 1-41 is admissible in a subsequent suit filed under this chapter to  
 1-42 demonstrate that the landowner:  
 1-43 (1) knowingly tolerated the activity; and  
 1-44 (2) did not make a reasonable attempt to abate the  
 1-45 activity.  
 1-46 SECTION 2. This Act takes effect September 1, 2017.

1-47 \* \* \* \* \*