

1-1 By: Ortega, et al. (Senate Sponsor - Rodríguez) H.B. No. 2359
 1-2 (In the Senate - Received from the House May 8, 2017;
 1-3 May 10, 2017, read first time and referred to Committee on Criminal
 1-4 Justice; May 17, 2017, reported favorably by the following vote:
 1-5 Yeas 7, Nays 1; May 17, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11		X		
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to common nuisances.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Section [125.0015](#)(a), Civil Practice and Remedies
 1-22 Code, is amended to read as follows:
 1-23 (a) A person who maintains a place to which persons
 1-24 habitually go for the following purposes and who knowingly
 1-25 tolerates the activity and furthermore fails to make reasonable
 1-26 attempts to abate the activity maintains a common nuisance:
 1-27 (1) discharge of a firearm in a public place as
 1-28 prohibited by the Penal Code;
 1-29 (2) reckless discharge of a firearm as prohibited by
 1-30 the Penal Code;
 1-31 (3) engaging in organized criminal activity as a
 1-32 member of a combination as prohibited by the Penal Code;
 1-33 (4) delivery, possession, manufacture, or use of a
 1-34 ~~controlled~~ substance or other item in violation of Chapter [481](#),
 1-35 Health and Safety Code;
 1-36 (5) gambling, gambling promotion, or communicating
 1-37 gambling information as prohibited by the Penal Code;
 1-38 (6) prostitution, promotion of prostitution, or
 1-39 aggravated promotion of prostitution as prohibited by the Penal
 1-40 Code;
 1-41 (7) compelling prostitution as prohibited by the Penal
 1-42 Code;
 1-43 (8) commercial manufacture, commercial distribution,
 1-44 or commercial exhibition of obscene material as prohibited by the
 1-45 Penal Code;
 1-46 (9) aggravated assault as described by Section [22.02](#),
 1-47 Penal Code;
 1-48 (10) sexual assault as described by Section [22.011](#),
 1-49 Penal Code;
 1-50 (11) aggravated sexual assault as described by Section
 1-51 [22.021](#), Penal Code;
 1-52 (12) robbery as described by Section [29.02](#), Penal
 1-53 Code;
 1-54 (13) aggravated robbery as described by Section [29.03](#),
 1-55 Penal Code;
 1-56 (14) unlawfully carrying a weapon as described by
 1-57 Section [46.02](#), Penal Code;
 1-58 (15) murder as described by Section [19.02](#), Penal Code;
 1-59 (16) capital murder as described by Section [19.03](#),
 1-60 Penal Code;
 1-61 (17) continuous sexual abuse of young child or

2-1 children as described by Section 21.02, Penal Code;
2-2 (18) massage therapy or other massage services in
2-3 violation of Chapter 455, Occupations Code;
2-4 (19) employing a minor at a sexually oriented business
2-5 as defined by Section 243.002, Local Government Code;
2-6 (20) trafficking of persons as described by Section
2-7 20A.02, Penal Code;
2-8 (21) sexual conduct or performance by a child as
2-9 described by Section 43.25, Penal Code; [~~or~~]
2-10 (22) employment harmful to a child as described by
2-11 Section 43.251, Penal Code;
2-12 (23) criminal trespass as described by Section 30.05,
2-13 Penal Code;
2-14 (24) disorderly conduct as described by Section 42.01,
2-15 Penal Code;
2-16 (25) arson as described by Section 28.02, Penal Code;
2-17 (26) criminal mischief as described by Section 28.03,
2-18 Penal Code, that causes a pecuniary loss of \$500 or more; or
2-19 (27) a graffiti offense in violation of Section 28.08,
2-20 Penal Code.
2-21 SECTION 2. Section 125.046(a), Civil Practice and Remedies
2-22 Code, is amended to read as follows:
2-23 (a) If, in any judicial proceeding under Subchapter A, a
2-24 court determines that a person is maintaining a vacant lot, vacant
2-25 or abandoned building, or multiunit residential property that is a
2-26 common nuisance, the court may, on its own motion or on the motion
2-27 of any party, order the appointment of a receiver to manage the
2-28 property or render any other order allowed by law as necessary to
2-29 abate the nuisance.
2-30 SECTION 3. This Act takes effect September 1, 2017.

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