

1-1 By: Huffman S.B. No. 923
 1-2 (In the Senate - Filed February 20, 2019; March 1, 2019,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 March 18, 2019, reported favorably by the following vote: Yeas 8,
 1-5 Nays 0; March 18, 2019, 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 restrictions on the age of persons employed by or
 1-20 allowed on the premises of a sexually oriented business; creating a
 1-21 criminal offense.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 106, Alcoholic Beverage Code, is amended
 1-24 by adding Section 106.17 to read as follows:

1-25 Sec. 106.17. PRESENCE OF MINOR ON PERMITTED OR LICENSED
 1-26 PREMISES OPERATING AS SEXUALLY ORIENTED BUSINESS. (a) An
 1-27 individual younger than 18 years of age may not be on premises
 1-28 covered by a permit or license issued under this code if a sexually
 1-29 oriented business, as defined by Section 243.002, Local Government
 1-30 Code, operates on the premises.

1-31 (b) The holder of a permit or license covering a premises
 1-32 described by Subsection (a) may not knowingly or recklessly allow a
 1-33 minor to be on the premises.

1-34 (c) Notwithstanding any other provision of this code, if it
 1-35 is found, after notice and hearing, that a permittee or licensee has
 1-36 violated Subsection (b) the commission or administrator shall:

1-37 (1) suspend the permit or license for 30 days for the
 1-38 first violation;

1-39 (2) suspend the permit or license for 60 days for the
 1-40 second violation; and

1-41 (3) cancel the permit or license for the third
 1-42 violation.

1-43 SECTION 2. Subchapter A, Chapter 102, Business & Commerce
 1-44 Code, is amended by adding Section 102.0031 to read as follows:

1-45 Sec. 102.0031. PROHIBITION ON CERTAIN ACTIVITIES BY
 1-46 BUSINESS IN RELATION TO A CHILD. A sexually oriented business may
 1-47 not allow an individual younger than 18 years of age to enter the
 1-48 premises of the business.

1-49 SECTION 3. Section 102.004(a), Business & Commerce Code, is
 1-50 amended to read as follows:

1-51 (a) The attorney general or appropriate district or county
 1-52 attorney, in the name of the state, may bring an action for an
 1-53 injunction or other process against a person who violates or
 1-54 threatens to violate Section 102.002, ~~or~~ 102.003, or 102.0031.

1-55 SECTION 4. Section 102.005(b), Business & Commerce Code, is
 1-56 amended to read as follows:

1-57 (b) A sexually oriented business commits an offense if the
 1-58 business violates Section 102.003 or 102.0031.

1-59 SECTION 5. Section 125.0015(a), Civil Practice and Remedies
 1-60 Code, is amended to read as follows:

1-61 (a) A person who maintains a place to which persons

2-1 habitually go for the following purposes and who knowingly
2-2 tolerates the activity and furthermore fails to make reasonable
2-3 attempts to abate the activity maintains a common nuisance:
2-4 (1) discharge of a firearm in a public place as
2-5 prohibited by the Penal Code;
2-6 (2) reckless discharge of a firearm as prohibited by
2-7 the Penal Code;
2-8 (3) engaging in organized criminal activity as a
2-9 member of a combination as prohibited by the Penal Code;
2-10 (4) delivery, possession, manufacture, or use of a
2-11 substance or other item in violation of Chapter 481, Health and
2-12 Safety Code;
2-13 (5) gambling, gambling promotion, or communicating
2-14 gambling information as prohibited by the Penal Code;
2-15 (6) prostitution, promotion of prostitution, or
2-16 aggravated promotion of prostitution as prohibited by the Penal
2-17 Code;
2-18 (7) compelling prostitution as prohibited by the Penal
2-19 Code;
2-20 (8) commercial manufacture, commercial distribution,
2-21 or commercial exhibition of obscene material as prohibited by the
2-22 Penal Code;
2-23 (9) aggravated assault as described by Section 22.02,
2-24 Penal Code;
2-25 (10) sexual assault as described by Section 22.011,
2-26 Penal Code;
2-27 (11) aggravated sexual assault as described by Section
2-28 22.021, Penal Code;
2-29 (12) robbery as described by Section 29.02, Penal
2-30 Code;
2-31 (13) aggravated robbery as described by Section 29.03,
2-32 Penal Code;
2-33 (14) unlawfully carrying a weapon as described by
2-34 Section 46.02, Penal Code;
2-35 (15) murder as described by Section 19.02, Penal Code;
2-36 (16) capital murder as described by Section 19.03,
2-37 Penal Code;
2-38 (17) continuous sexual abuse of young child or
2-39 children as described by Section 21.02, Penal Code;
2-40 (18) massage therapy or other massage services in
2-41 violation of Chapter 455, Occupations Code;
2-42 (19) employing or entering into a contract for the
2-43 performance of work or the provision of a service with an individual
2-44 younger than 21 years of age for work or services performed [a
2-45 minor] at a sexually oriented business as defined by Section
2-46 243.002, Local Government Code;
2-47 (20) trafficking of persons as described by Section
2-48 20A.02, Penal Code;
2-49 (21) sexual conduct or performance by a child as
2-50 described by Section 43.25, Penal Code;
2-51 (22) employment harmful to a child as described by
2-52 Section 43.251, Penal Code;
2-53 (23) criminal trespass as described by Section 30.05,
2-54 Penal Code;
2-55 (24) disorderly conduct as described by Section 42.01,
2-56 Penal Code;
2-57 (25) arson as described by Section 28.02, Penal Code;
2-58 (26) criminal mischief as described by Section 28.03,
2-59 Penal Code, that causes a pecuniary loss of \$500 or more; ~~or~~
2-60 (27) a graffiti offense in violation of Section 28.08,
2-61 Penal Code; or
2-62 (28) permitting an individual younger than 18 years of
2-63 age to enter the premises of a sexually oriented business as defined
2-64 by Section 243.002, Local Government Code.
2-65 SECTION 6. Sections 51.016(b), (h), and (i), Labor Code,
2-66 are amended to read as follows:
2-67 (b) A sexually oriented business may not employ or enter
2-68 into a contract, other than a contract described by Subsection (g),
2-69 for the performance of work or the provision of a service with an

3-1 individual younger than 21 [~~18~~] years of age.

3-2 (h) The commission, the attorney general, or a local law
3-3 enforcement agency may inspect a record maintained under this
3-4 section if there is good reason to believe that an individual
3-5 younger than 21 [~~18~~] years of age is employed or has been employed
3-6 by, or has entered into a contract, other than a contract described
3-7 by Subsection (g), for the performance of work or the provision of a
3-8 service with, the sexually oriented business within the two years
3-9 preceding the date of the inspection.

3-10 (i) A person commits an offense if the person:

3-11 (1) fails to maintain a record as required by this
3-12 section; [~~or~~]

3-13 (2) knowingly or intentionally hinders an inspection
3-14 authorized under Subsection (h); or

3-15 (3) violates Subsection (b).

3-16 SECTION 7. Section 51.031(b), Labor Code, is amended to
3-17 read as follows:

3-18 (b) An offense under Section 51.014(d), [~~or Section~~]
3-19 51.0145, or 51.016(i)(3) is a Class A misdemeanor.

3-20 SECTION 8. Section 43.251(a)(1), Penal Code, is amended to
3-21 read as follows:

3-22 (1) "Child" means a person younger than 21 [~~18~~] years
3-23 of age.

3-24 SECTION 9. The changes in law made by this Act apply only to
3-25 an offense committed on or after the effective date of this Act. An
3-26 offense committed before the effective date of this Act is governed
3-27 by the law in effect on the date the offense was committed, and the
3-28 former law is continued in effect for that purpose. For purposes of
3-29 this section, an offense was committed before the effective date of
3-30 this Act if any element of the offense was committed before that
3-31 date.

3-32 SECTION 10. This Act takes effect immediately if it
3-33 receives a vote of two-thirds of all the members elected to each
3-34 house, as provided by Section 39, Article III, Texas Constitution.
3-35 If this Act does not receive the vote necessary for immediate
3-36 effect, this Act takes effect September 1, 2019.

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