

1-1 By: Huffman S.B. No. 766  
1-2 (In the Senate - Filed February 23, 2021; March 11, 2021,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 April 9, 2021, reported favorably by the following vote: Yeas 5,  
1-5 Nays 0; April 9, 2021, 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 A BILL TO BE ENTITLED  
1-14 AN ACT

1-15 relating to requiring sexually oriented businesses to participate  
1-16 in the federal electronic verification of employment authorization  
1-17 program, or E-verify; creating a criminal offense.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Section 51.016, Labor Code, is amended by  
1-20 amending Subsections (a), (c), (d), (e), and (h) and adding  
1-21 Subsection (j) to read as follows:

1-22 (a) In this section:

1-23 (1) "E-verify program" has the meaning assigned by  
1-24 Section 673.001, Government Code.

1-25 (2) "Sexually~~ly~~, "sexually] oriented business" has the  
1-26 meaning assigned by Section 243.002, Local Government Code.

1-27 (c) A sexually oriented business shall:

1-28 (1) maintain at the business a record that contains a  
1-29 copy of a valid proof of identification of each employee and ~~or~~  
1-30 independent contractor working at the premises of the business; and

1-31 (2) register and participate in the E-verify program  
1-32 to verify information of all employees and independent contractors.

1-33 (d) A proof of identification satisfies the requirements of  
1-34 Subsection (c)(1) ~~if~~ if the identification:

1-35 (1) contains a physical description and photograph  
1-36 consistent with the person's appearance;

1-37 (2) contains the date of birth of the person; and

1-38 (3) was issued by a government agency.

1-39 (e) The form of identification under Subsection (c)(1)  
1-40 ~~if~~ may include:

1-41 (1) a driver's license issued by this state or another  
1-42 state;

1-43 (2) a passport; or

1-44 (3) an identification card issued by this or another  
1-45 state or the federal government.

1-46 (h) The commission, the attorney general, or a ~~local~~ law  
1-47 enforcement agency may inspect a record maintained under this  
1-48 section and request proof of E-verify program information  
1-49 verification if there is good reason to believe that an individual  
1-50 younger than 18 years of age is employed or has been employed by the  
1-51 sexually oriented business within the five ~~two~~ years preceding  
1-52 the date of the inspection.

1-53 (j) A person commits an offense if the person fails to  
1-54 register and participate in the E-verify program as required by  
1-55 Subsection (c)(2).

1-56 SECTION 2. The change in law made by this Act applies only  
1-57 to an employee of a sexually oriented business who commences  
1-58 employment with the business on or after the effective date of this  
1-59 Act.

1-60 SECTION 3. This Act takes effect September 1, 2021.

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