

BILL ANALYSIS

C.S.H.B. 256
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties are concerned that cities lack the ability to directly address establishments that are a common nuisance due to their violation of the Alcoholic Beverage Code. C.S.H.B. 256 seeks to address this issue by authorizing a city attorney to sue in the name of the city to abate and enjoin the common nuisance.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 256 amends the Alcoholic Beverage Code to authorize the city attorney in a city where a common nuisance relating to a place where alcoholic beverages are sold, bartered, manufactured, stored, possessed, or consumed exists to sue in the name of the city for an injunction to abate and temporarily and permanently enjoin the nuisance.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 256 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 101.70(b), Alcoholic Beverage Code, is amended to read as follows:

(b) The county or district attorney in the county where the nuisance exists,
the city attorney in the city where the nuisance exists, or the attorney general

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 101.70, Alcoholic Beverage Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The city attorney in the city where the nuisance exists

may sue in the name of the state for an injunction to abate and temporarily and permanently enjoin it. Except as otherwise provided in this section, the proceeding is conducted as other similar proceedings.

SECTION 2. This Act takes effect September 1, 2017.

may sue in the name of the city for an injunction to abate and temporarily and permanently enjoin it. Except as otherwise provided in this section, the proceeding is conducted as other similar proceedings.

SECTION 2. Same as introduced version.