

BILL ANALYSIS

H.B. 3295
By: Thompson, Senfronia
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recent legislation enacted by the 85th Legislature created a new tool to use in the fight against illicit massage businesses, making the operation of an unlicensed massage establishment, or operating a massage establishment in violation of any local ordinances, a deceptive trade practice under the Deceptive Trade Practices-Consumer Protection Act. However, the ability to collect civil penalties under the act is almost exclusively reserved for actions brought by the consumer protection division of the Office of the Attorney General. For local government attorneys, this remedy is only marginally useable as a last resort for injunctive relief when bringing nuisance and abatement actions. There have been calls to provide an exception to this limitation in order to further combat illicit massage businesses. H.B. 3295 seeks to address this issue by authorizing local government attorneys to collect fees in certain actions brought against an alleged illicit massage business under the act.

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

H.B. 3295 amends the Business & Commerce Code to require three-fourths of any civil penalty awarded by a court in an action prosecuted by a district or county attorney under the Deceptive Trade Practices-Consumer Protection Act for the practice of owning, operating, maintaining, or advertising a massage establishment that is not appropriately licensed by the state or is not in compliance with applicable state or local licensing requirements or regulations to be paid to the county where the court is located. A district or county attorney is not required to obtain the permission of the consumer protection division of the attorney general's office to prosecute such an action if the attorney provides prior written notice to the division.

EFFECTIVE DATE

September 1, 2021.