

BILL ANALYSIS

H.B. 3520
By: Hunter
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been reported that sexually oriented businesses can be a ground for human trafficking exploitation and recruitment, making these premises especially dangerous for youth. While Texas currently criminalizes employment by sexually oriented businesses of those younger than 18 years of age, there have been calls to bolster human trafficking prevention measures at these establishments. H.B. 3520 seeks to address these calls by establishing crimes and civil prohibitions intended to deter persons younger than 18 from being on the premises of sexually oriented businesses and prevent such a business from entering into a contract with a person younger than 21 years of age for performance of work at the business.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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. 3520 amends the Alcoholic Beverage Code to prohibit an individual younger than 18 years of age from being on a premises covered by a permit or license under the Alcoholic Beverage Code if a sexually oriented business operates on the premises. The bill prohibits the holder of such a permit or license from knowingly or recklessly allowing an individual younger than 18 years of age on the premises. The bill requires the Texas Alcoholic Beverage Commission or administrator, if it is found after notice and hearing that a permittee or licensee has violated the prohibitions, to suspend for 30 days, suspend for 60 days, or cancel the permit or license depending on the number of violations.

H.B. 3520 amends the Business & Commerce Code to create Class A misdemeanor offense for a sexually oriented business that allows an individual younger than 18 years of age to enter the premises of the business. The bill authorizes the attorney general or appropriate district or county attorney to bring an action for an injunction or other process against a person who commits or threatens to commit such an offense.

H.B. 3520 amends the Penal Code to change the definition of "child" from a person younger than 18 years of age to a person younger than 21 years of age for the purposes of employment considered harmful to children.

H.B. 3520 amends the Labor Code to prohibit a sexually oriented business from entering into a contract for the performance of work or the provision of a service with an individual younger than 21 years of age, rather than younger than 18 years of age, but creates an exemption for an independent contractor solely performing repair, maintenance, or construction services at the business. The bill creates a Class A misdemeanor offense for a sexually oriented business that violates the prohibition.

H.B. 3520 amends the Civil Practice and Remedies Code to establish that a person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerates and fails to make reasonable attempts to abate the activities is considered to maintain a common nuisance:

- employing or entering into a contract for the performance of work or the provision of a service with an individual younger than 21 years of age for work or services performed at a sexually oriented business; or
- permitting an individual younger than 18 years of age to enter the premises of a sexually oriented business.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.