

- SUBJECT:** Providing notice to landlords of arrests for prostitution on their premises
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 9 ayes — Smithee, Farrar, Gutierrez, Hernandez, Laubenberg, Murr, Neave, Rinaldi, Schofield
- 0 nays
- WITNESSES:** For — Jamey Caruthers, Children at Risk; (*Registered, but did not testify*: Jessica Anderson, Houston Police Department)
- Against — None
- On — (*Registered, but did not testify*: Brad Bowman, Texas Department of Licensing and Regulation)
- BACKGROUND:** Civil Practice and Remedies Code, sec. 125.0015 establishes that a person maintains a common nuisance by maintaining a place where people habitually go for certain enumerated illegal activities — including prostitution, promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution — and knowingly tolerates the activity.
- Concerns have been raised that some landlords involved in nuisance abatement suits have been able to avoid legal consequences for leasing property to massage businesses operating as a cover for prostitution by claiming ignorance about the lessee's activities.
- DIGEST:** CSHB 715 would require a law enforcement agency that made an arrest in connection with a massage parlor involved in certain prostitution-related offenses to send a written notice of the arrest within seven days to the owner of the property where the arrest occurred.
- A prostitution-related offense that occurred after the arrest notice had been sent to the property owner would be prima facie evidence in a nuisance

abatement suit that the property owner knowingly tolerated the activity.

The bill would take effect September 1, 2017.