

BILL ANALYSIS

Senate Research Center

C.S.S.B. 642
By: Harris
Jurisprudence
4-29-97
Committee Report (Substituted)

DIGEST

Currently, the law provides that a place to which persons habitually go for certain prohibited activities is a common nuisance. This provision is limited to gambling, discharge of firearms, organized criminal activity, and certain illegal drug activities. This bill will expand the list of activities that make a place a common nuisance, and provide for the investigation and abatement of those nuisances by the attorney general.

PURPOSE

As proposed, C.S.S.B. 642 expands the list of activities that make a place a common nuisance, and provides for the investigation and abatement of those nuisances by the attorney general.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 125.001, Civil Practice and Remedies Code, to provide that a person who knowingly maintains a place to which persons habitually go for the purpose of possession or manufacture of a controlled substance in violation of Chapter 481, Health and Safety Code, among other activities, maintains a common nuisance. Provides that a person who maintains a multiunit residential property described by Subsection (c) to which persons habitually go to commit certain acts maintains a common nuisance. Provides that Subsection (b) applies only to a multiunit residential property, as that term is defined by Section 125.041, that is located in certain municipalities.

SECTION 2. Amends Section 125.004, Civil Practice and Remedies Code, to provide that proof that an activity described by Section 125.001 is frequently committed at the place involved or that the place is frequently used for an activity described by Section 125.001 is prima facie evidence that the proprietor knowingly permitted the activity. Provides that evidence that persons have been convicted of offenses for an activity described by Section 125.001 in the place involved is admissible to show knowledge on the part of the defendant that the act occurred. Makes conforming changes.

SECTION 3. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 125.001, Civil Practice and Remedies Code, to delete acts of public lewdness, obscene activity, and indecent exposure from the list of acts that make certain places common nuisances. Adds text regarding multiunit residential properties that are common nuisances.

Deletes proposed SECTIONS 2, 3, and 5-7.