

## **BILL ANALYSIS**

Senate Research Center  
81R9183 CAE-F

S.B. 2161  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

There has been a proliferation of sexually oriented businesses operating without permits. Unlicensed sexually oriented businesses have been known to have significant illegal activities occurring on their premises, such as prostitution and narcotics. It takes considerable resources and effort by law enforcement to crack down on such illegal activities.

Currently, the only remedy to enjoin the operation of a sexually oriented business operating without a permit is to file suit under Chapter 243 (Municipal and County Authority to Regulate Sexually Oriented Business), Local Government Code. However, Section 243.007 (Licenses or Permits), Local Government Code, enjoins only the individual or corporate entity from operating the sexually oriented business without a permit. It does not enjoin the location itself or prevent the individual or corporate entity from operating at the location as something other than a sexually oriented business while allowing the same illegal activity to continue.

S.B. 2161 amends Chapter 125 (Common and Public Nuisances), Civil Practice & Remedies Code, to include operating a sexually oriented business without the required permit as a defined common nuisance.

Law enforcement would have an additional legal remedy to pursue sexually oriented businesses without permits without encumbering law enforcement to conduct undercover operations for prolonged periods. Property owners would be discouraged from allowing the operation of a sexually oriented business on their property without a permit because the city could enjoin their property for a one-year period.

As proposed, S.B. 2161 amends current law relating to an activity that constitutes maintaining a common nuisance.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 125.0015, Civil Practice and Remedies Code, by adding Subsection (c), to provide that a person who maintains a business described by Section 243.002 (Definition), Local Government Code, without obtaining a license or permit required by a municipality or county in which the business is located maintains a common nuisance.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.