

BILL ANALYSIS

Senate Research Center
81R4571 CAE-D

S.B. 709
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under existing law, the Office of the Attorney General, a city, county, or district attorney, or an individual may sue to prohibit the operation of a common nuisance. A common nuisance is defined as a place where certain criminal activities habitually take place.

As proposed, S.B. 709 expands the definition of common nuisance to include criminal activities that place children at risk of harm.

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. Reenacts and amends Section 125.0015(a), Civil Practices and Remedies Code, as amended by Chapters 593 (H.B. 8) and 1399 (H.B. 2644), Acts of the 80th Legislature, Regular Session, 2007, as follows:

(a) Provides that a person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance, including employing a minor at a sexually oriented business as defined by Section 243.002 (Definition), Local Government Code; trafficking of persons as described by Section 20A.02 (Trafficking of Persons), Penal Code; sexual conduct or performance by a child as described by Section 43.25 (Sexual Performance by a Child), Penal Code; or employment harmful to a child as described by Section 43.251 (Employment Harmful to Children), Penal Code. Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.