

## **BILL ANALYSIS**

Senate Research Center  
82R121 CAE-D

H.B. 289  
By: Jackson, Jim et al. (Nelson)  
Criminal Justice  
5/13/2011  
Engrossed

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

It is the state's responsibility to protect and prevent the exploitation of children. Under current law, the Office of the Attorney General, a city, county, district attorney, or individual may sue to prohibit the operation of a common nuisance. A common nuisance is defined as a place where a specific list of criminal activities habitually takes place. H.B. 289 expands the definition of common nuisance to include criminal activities that place children at risk of harm.

H.B. 289 amends current law relating to 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(a), Civil Practice and Remedies Code, 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:

(1)-(18) Makes no changes to these subdivisions.

(19) employing a minor at a sexually oriented business as defined by Section 243.002 (Definition), Local Government Code;

(20) trafficking of persons as described by Section 20A.02 (Trafficking of Persons), Penal Code;

(21) sexual conduct or performance by a child as described by Section 43.25 (Sexual Performance by a Child), Penal Code; or

(22) employment harmful to a child as described by Section 43.251 (Employment Harmful to Children), Penal Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.