

BILL ANALYSIS

Senate Research Center

H.B. 2359
By: Ortega et al. (Rodríguez)
Criminal Justice
7/31/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that some vacant lots or buildings may be used for criminal activities or pose fire hazards and that there is insufficient authority to effectively confront these problems. H.B. 2359 addresses this issue by amending common nuisance provisions.

H.B. 2359 amends current law relating to common nuisances.

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) through (3) makes no changes to these subdivisions;

(4) delivery, possession, manufacture, or use of a substance, rather than a controlled substance, or other item in violation of Chapter 481 (Texas Controlled Substances Act), Health and Safety Code;

(5) through (20) makes no changes to these subdivisions;

(21) and (22) makes nonsubstantive changes;

(23) criminal trespass as described by Section 30.05 (Criminal Trespass), Penal Code;

(24) disorderly conduct as described by Section 42.01 (Disorderly Conduct), Penal Code;

(25) arson as described by Section 28.02 (Arson), Penal Code;

(26) criminal mischief as described by Section 28.03 (Criminal Mischief), Penal Code, that causes a pecuniary loss of \$500 or more; or

(27) a graffiti offense in violation of Section 28.08 (Graffiti), Penal Code.

SECTION 2. Amends Section 125.046(a), Civil Practice and Remedies Code, as follows:

(a) Authorizes the court to, if, in any judicial proceeding under Subchapter A (Suit to Abate Certain Common Nuisances), a court determines that a person is maintaining a vacant lot, vacant or abandoned building, or multiunit residential property that is a

common nuisance, on its own motion or on the motion of any party, order the appointment of a receiver to manage the property or render any other order allowed by law as necessary to abate the nuisance.

SECTION 3. Effective date: September 1, 2017.