

## **BILL ANALYSIS**

Senate Research Center  
85R30466 SCL-D

C.S.H.B. 240  
By: Hernandez (Huffman)  
Criminal Justice  
5/18/2017  
Committee Report (Substituted)

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

Interested parties contend that courts are uncertain regarding what evidentiary weight to assign the fact that massage services occur in violation of laws regulating massage therapy and other massage services at a place unlicensed for that purpose in a nuisance-abatement suit and that such uncertainty diminishes the efficacy of such suits in combating human trafficking.

H.B. 240 addresses this issue by making proof that unlawful services occurring at unlicensed massage parlors are prima facie evidence that the defendant in a nuisance and abatement suit knowingly tolerated the activity and that the activity was habitual. (Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 240 amends current law relating to evidence in a suit to abate certain 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 125.004, Civil Practice and Remedies Code, by adding Subsections (a-1), (a-2), and (e), as follows:

(a-1) Provides that proof in the form of a person's arrest or the testimony of a law enforcement agent that a certain common nuisance activity is committed at a place licensed as a massage establishment under Chapter 455 (Massage Therapy), Occupations Code, or advertised as offering massage therapy or massage services is prima facie evidence that the defendant knowingly tolerated the activity.

(a-2) Provides that proof that a certain common nuisance activity is committed at a place maintained by the defendant is prima facie evidence that the defendant knowingly tolerated the activity and did not make a reasonable attempt to abate the activity.

(e) Provides that evidence of a previous suit filed under this chapter (Common and Public Nuisances) that resulted in a judgment against a landowner with respect to an activity described by Section 125.0015 (Common Nuisance) at the landowner's property is admissible in a subsequent suit filed under this chapter to demonstrate that the landowner knowingly tolerated the activity and did not make a reasonable attempt to abate the activity.

SECTION 2. Effective date: September 1, 2017.