

## **BILL ANALYSIS**

Senate Research Center  
80R11158 ATP-D

H.B. 1751  
By: Cohen et al. (West, Royce)  
Intergovernmental Relations  
5/15/2007  
Engrossed

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

It is estimated that there are nearly two million sexual assault victims living in Texas. Of those two million victims, approximately 80 percent of female victims and ninety percent of all child victims are assaulted by someone they know – often a relative or an acquaintance. Research also indicates that fewer than 20 percent of sexual assaults are reported to the appropriate authorities. Less than 10 percent of sexual assault victims seek medical care after the assault because of shame, fear, hurt, or anger.

H.B. 1751 provides for an admission fee on sexually oriented businesses, a portion of which will be dedicated to the sexual assault program fund, to cover the costs of programs that relate to sexual assault prevention, intervention, and research provided by state, local, and nonprofit agencies.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the attorney general in SECTION 4 (Section 420.005, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Designates Sections 47.001 through 47.004, Business & Commerce Code, as Subchapter A, Chapter 47, Business & Commerce Code, and adds a heading for Subchapter A, to read as follows:

#### **SUBCHAPTER A. RESTRICTION ON OWNERS, OPERATORS, MANAGERS, OR EMPLOYEES OF SEXUALLY ORIENTED BUSINESSES**

SECTION 2. Amends Section 47.001, Business & Commerce Code, to make a conforming change.

SECTION 3. Amends Chapter 47, Business & Commerce Code, by adding Subchapter B, as follows:

#### **SUBCHAPTER B. FEE ON ADMISSIONS TO CERTAIN SEXUALLY ORIENTED BUSINESSES**

Sec. 47.051. DEFINITIONS. Defines "nude" and "sexually oriented business."

Sec. 47.052. ADMISSION FEE. Imposes a fee on a sexually oriented business that provides live nude entertainment or performances in an amount equal to \$5 for each entry by each customer admitted to the business.

Sec. 47.053. REMISSION OF FEE TO COMPTROLLER; DEPOSIT. (a) Requires a sexually oriented business to remit the fee imposed by Section 47.052 to the comptroller of public accounts (comptroller) for deposit to the credit of the sexual assault program fund (fund), except as provided by Subsection (b).

(b) Requires the comptroller to deposit any amount received from the fee imposed under this subchapter that exceeds \$18 million in a fiscal biennium to the credit of the general revenue fund.

Sec. 47.054. ADMINISTRATION, COLLECTION, AND ENFORCEMENT. Provides that the provisions of Subtitle B (Enforcement and Collection), Title 2, Tax Code, apply to the administration, collection, and enforcement of the fee imposed by this chapter.

SECTION 4. Amends Sections 420.005(a) and (b), Government Code, as follows:

(a) Authorizes the attorney general to award grants to programs described by Section 420.008 (Sexual Assault Program Fund), rather than to programs for maintaining or expanding existing services.

(b) Authorizes the attorney general by rule to require that to be eligible for a grant, certain programs must provide at a minimum certain services.

SECTION 5. Amends Sections 420.008(b) and (c), Government Code, as follows:

(b) Makes conforming changes.

(c) Authorizes the legislature to appropriate money deposited to the credit of the fund only to the certain institutions and agencies for certain purposes.

SECTION 6. Makes application of the fee imposed by Section 47.052, Business & Commerce Code, as added by this Act, prospective.

SECTION 7. Effective date: September 1, 2007.