

BILL ANALYSIS

Senate Research Center

C.S.H.B. 3094
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Criminal Justice
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas, there has been an increased need to address illegitimate massage establishments, both to investigate the legitimacy of these businesses and for the peripheral influence on bringing prostitution, narcotic, and human trafficking to certain areas in Texas. It is estimated that 18,000 victims of trafficking are brought to the United States each year. Eighty percent of those trafficking victims are women and children. Texas is the destination for 25 percent of all victims brought into the United States; the majority of those find themselves in Houston. The trafficking victims have been found in several recurring places, including cantinas, strip clubs, and illegitimate massage parlors.

C.S.H.B. 3094 relates to the regulation of massage parlors by counties and provides penalties.

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 Chapter 234, Local Government Code, by adding Subchapter D, as follows:

SUBCHAPTER D. MASSAGE PARLORS

Sec. 234.101. DEFINITIONS. Defines "massage parlor," "nude," and "sexual contact."

Sec. 234.102. AUTHORITY TO REGULATE. Authorizes the commissioners court of a county by order, to promote public health, safety, and welfare, to prohibit or otherwise regulate massage parlors located in the unincorporated area of the county.

Sec. 234.103. INJUNCTION. Authorizes a district or county attorney, if a massage parlor has previously violated a prohibition or other regulation adopted under this subchapter, to bring suit to enjoin the operation of a massage parlor in violation or threatened violation of a prohibition or other regulation adopted under this subchapter.

Sec. 234.104. CIVIL PENALTY. (a) Provides that a person who violates a prohibition or regulation adopted by the county under this subchapter is liable to the county for a civil penalty of not more than \$1,000 for each violation. Provides that each day a violation continues is considered a separate violation for purposes of assessing the civil penalty.

(b) Authorizes a county to bring suit in a district court to recover a civil penalty authorized by Subsection (a).

Sec. 234.105. CRIMINAL PENALTY. (a) Provides that a person commits an offense if the person intentionally or knowingly operates a massage parlor in violation of a prohibition or regulation adopted under this subchapter by the commissioners court.

(b) Provides that an offense under this section is a Class A misdemeanor.

Sec. 234.106. CUMULATIVE EFFECT. Provides that authority under this subchapter is cumulative of other authority that a county has to regulate massage parlors and does not limit that other authority.

Sec. 243.107. EFFECT ON OTHER LAWS. (a) Provides that this subchapter does not legalize anything prohibited under the Penal Code or other state law.

(b) Authorizes a person who is subject to prosecution under this section and any other law to be prosecuted under either or both laws.

SECTION 2. Effective date: upon passage or September 1, 2009.