

## **BILL ANALYSIS**

Senate Research Center  
81R4584 NC-D

S.B. 707  
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Criminal Justice  
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As Filed

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

Because sexually oriented businesses currently are not regulated by the state, there is no requirement that they maintain files documenting their employees' ages. A Dallas business that was found last year to have employed a 12-year-old girl as a nude dancer was able to remain open because neither state law nor Dallas city ordinance prohibited that employment.

As proposed, S.B. 707 prohibits a sexually oriented business from employing a child, requires that a sexually oriented business keep detailed records verifying the age of its employees and independent contractors, and allows state agencies to inspect the records to ensure compliance with the regulations.

### **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 Subchapter B, Chapter 51, Labor Code, by adding Section 51.016, as follows:

Sec. 51.016. SEXUALLY ORIENTED BUSINESSES. (a) Defines "sexually oriented business."

(b) Prohibits a sexually oriented business from employing a child.

(c) Requires a sexually oriented business to maintain at the business a record that contains a copy of a valid proof of identification of each employee or independent contractor working at the premises of the business.

(d) Provides that a proof of identification satisfies the requirements of Subsection (c) if the identification contains a physical description and photograph consistent with the person's appearance; contains the date of birth of the person; and was issued by a government agency.

(e) Provides that the form of identification under Subsection (c) may include a driver's license issued by this state or another state; a passport; or an identification card issued by this or another state or the federal government.

(f) Requires that a sexually oriented business maintain a record under this section for at least two years after the date the employee or independent contractor ends employment with or a contractual obligation to the business.

(g) Provides that the requirements of Subsections (c) and (f) do not apply with regard to an independent contractor who contracts with a sexually oriented business solely to perform repair, maintenance, or construction services at the business.

(h) Authorizes the Texas Workforce Commission, the attorney general, or a local law enforcement agency to inspect a record maintained under this section if there

is a good reason to believe that a child is employed or has been employed by the sexually oriented business within the two years preceding the date of the inspection.

(i) Provides that a person commits an offense if the person fails to maintain a record as required by this section or knowingly or intentionally hinders an inspection authorized under Subsection (h).

SECTION 2. Effective date: September 1, 2009.