

BILL ANALYSIS

Senate Research Center

H.B. 256
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Business & Commerce
7/17/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

While county and district attorneys are authorized to file an injunction based on a liquor violation, the current statute has not been updated to include city attorneys.

There are numerous establishments with Texas Alcoholic Beverage Code (TABC) violations that are problematic for law enforcement. Some are "BYOB" type clubs that operate without a TABC license, while others are establishments that do have a TABC license. Others may be illicit "cantinas" that serve as fronts for illicit activities such as sex trafficking.

Authorizing a city, as an entity, to independently file an injunction action against these types of rogue and difficult clubs would allow the municipalities to address these problem establishments directly. If the TABC is amended to include municipalities, cities would have the authority to file a nuisance action to close these establishments.

H.B. 256 seeks to address this concern by amending Section 101.70(b), Texas Alcoholic Beverage Code, to include a municipality as one of the governmental entities that is authorized to file an injunction action pursuant to Section 101.70 (Common Nuisance).

H.B. 256 amends current law relating to the authority of a city attorney to seek an injunction to abate a common nuisance under the Alcoholic Beverage Code.

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 101.70, Alcoholic Beverage Code, by adding Subsection (b-1), as follows:

(b-1) Authorizes the city attorney in the city where the nuisance exists to sue in the name of the city for an injunction to abate and temporarily and permanently enjoin it. Provides that, except as otherwise provided, the proceeding is conducted as other similar proceedings.

SECTION 2. Effective date: September 1, 2017.