

BILL ANALYSIS

C.S.S.B. 666
By: Kolkhorst
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties call for increased efforts to provide victims of human trafficking access to information that may help them escape captivity. C.S.S.B. 666 seeks to address this issue by requiring sexually oriented businesses to post a sign containing contact information for the National Human Trafficking Resource Center in each restroom on the premises.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the attorney general in SECTION 1 of this bill.

ANALYSIS

C.S.S.B. 666 amends the Business & Commerce Code to require a sexually oriented business to post by the sink area in each restroom on the premises one sign, 11 inches by 17 inches in size, that directs a victim of human trafficking to contact the National Human Trafficking Resource Center. The bill requires the attorney general by rule to prescribe the design, content, and manner of display of the sign and requires the sign to be in both English and Spanish and to include the telephone number and website of the National Human Trafficking Resource Center. The bill authorizes the attorney general by rule to require the sign to be in an additional language other than English or Spanish, to be larger than 11 inches by 17 inches in size if the attorney general determines that a larger sign is appropriate, and to include other information the attorney general considers necessary and appropriate. The bill requires the attorney general to adopt rules to implement the bill's provisions relating to the required sign not later than September 1, 2018, and requires each sexually oriented business to post the sign not later than March 1, 2019. Effective March 1, 2019, the bill creates a Class C misdemeanor offense for a person who is an owner or operator of a sexually oriented business and fails to post the sign in compliance with the bill's provisions and rules adopted under those provisions.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 666 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial

differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Chapter 102, Business & Commerce Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. NOTICE REQUIREMENTS ON PREMISES OF SEXUALLY ORIENTED BUSINESSES

Sec. 102.101. POSTING OF CERTAIN SIGN REQUIRED.

Sec. 102.102. CRIMINAL PENALTY. (a) A person commits an offense if the person:

- (1) is an owner or operator of a sexually oriented business; and
- (2) fails to post the sign required by Section 102.101 in compliance with that section and rules adopted under that section.

(b) An offense under this section is a Class C misdemeanor. If it is shown on the trial of an offense under this section that the person has previously been convicted of an offense under this section, the offense is a Class B misdemeanor.

SECTION 2. (a) The attorney general shall adopt rules to implement Section 102.101, Business & Commerce Code, as added by this Act, not later than September 1, 2018.
(b) Each sexually oriented business shall post the sign required by Section 102.101, Business & Commerce Code, as added by this Act, not later than March 1, 2019.

SECTION 3. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2017.
(b) Section 102.102, Business & Commerce Code, as added by this Act, takes effect March 1, 2019.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 102, Business & Commerce Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. NOTICE REQUIREMENTS ON PREMISES OF SEXUALLY ORIENTED BUSINESSES

Sec. 102.101. POSTING OF CERTAIN SIGN REQUIRED.

Sec. 102.102. CRIMINAL PENALTY. (a) A person commits an offense if the person:

- (1) is an owner or operator of a sexually oriented business; and
- (2) fails to post the sign required by Section 102.101 in compliance with that section and rules adopted under that section.

(b) An offense under this section is a Class C misdemeanor.

SECTION 2. Same as engrossed version.

SECTION 3. Same as engrossed version.