

BILL ANALYSIS

Senate Research Center

S.B. 707
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Criminal Justice
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Enrolled

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.

S.B. 707 prohibits a sexually oriented business from employing an individual younger than 18 years of age, 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 an individual younger than 18 years of age.

(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 an individual younger than 18 years of age 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.