

AN ACT

relating to prohibiting a sex offender from owning or serving in certain capacities on behalf of a sexually oriented business; creating an offense and providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Business & Commerce Code, is amended by adding Chapter 46 to read as follows:

CHAPTER 46. SEXUALLY ORIENTED BUSINESSES

Sec. 46.001. DEFINITIONS. In this chapter:

(1) "Sex offender" means a person who has been convicted of or placed on deferred adjudication for an offense for which a person is subject to registration under Chapter 62, Code of Criminal Procedure.

(2) "Sexually oriented business" has the meaning assigned by Section 243.002, Local Government Code.

Sec. 46.002. PROHIBITION ON OWNERSHIP, OPERATION, OR MANAGEMENT BY OR EMPLOYMENT OF SEX OFFENDER. (a) A sex offender may not own wholly or partly or serve as a director, officer, operator, manager, or employee of a sexually oriented business.

(b) A sexually oriented business may not contract with a person to operate or manage the business as an independent contractor or employ a person as an officer, operator, manager, or other employee if the business knows the person is a sex offender.

Sec. 46.003. INJUNCTION. (a) The attorney general or the

1 appropriate district or county attorney, in the name of the state,  
2 may bring an action for an injunction or other process against a  
3 person who is violating or threatening to violate Section 46.002.  
4 The action may be brought in a district court of Travis County or of  
5 a county in which any part of the violation or threatened violation  
6 occurs.

7 (b) The district court may grant any prohibitory or  
8 mandatory relief warranted by the facts, including a temporary  
9 restraining order, temporary injunction, or permanent injunction.

10 Sec. 46.004. CRIMINAL PENALTY. (a) A sex offender commits  
11 an offense if the offender violates Section 46.002(a).

12 (b) A sexually oriented business commits an offense if the  
13 business violates Section 46.002(b).

14 (c) An offense under this section is a Class A misdemeanor.

15 SECTION 2. This Act takes effect September 1, 2003.

David Newkum

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 155 was passed by the House on May 9, 2003, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 155 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Lately Spaw

Secretary of the Senate

APPROVED: 20 JUN '03

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:30 pm O'CLOCK

JUN 20 2003  
Ann Shea  
Secretary of State