

By: Hickland

H.B. No. 1549

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on the sale of obscene devices; providing a civil penalty.

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

SECTION 1. Title 6, Business & Commerce Code, is amended by adding Chapter 205 to read as follows:

CHAPTER 205. RESTRICTION ON THE SALE OF OBSCENE DEVICES

Sec. 205.001. DEFINITIONS. In this chapter:

(1) "Obscene device" has the meaning assigned by Section 43.21, Penal Code.

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

Sec. 205.002. SALE OF OBSCENE DEVICES RESTRICTED. A business in this state may not sell, offer for sale, or hold for sale an obscene device, unless the business is a sexually oriented business operating in accordance with Chapter 102.

Sec. 205.003. ENFORCEMENT; INJUNCTION AND CIVIL PENALTY.

(a) A county or district attorney who believes that a business located in that county or district attorney's jurisdiction has violated or is violating Section 205.002 may bring an action in a district court of the county to enjoin the business from violating that section.

(b) In addition to seeking an injunction under Subsection (a), the county or district attorney may request and the court may

1 order any other relief that may be in the public interest,
2 including:

3 (1) the imposition of a civil penalty in an amount not
4 to exceed \$5,000 for each violation of Section 205.002; and

5 (2) an order requiring reimbursement to the county or
6 district for the reasonable value of investigating and prosecuting
7 a violation of Section 205.002.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2025.