

## House Bill 444 (Thompson)

*Relating To Certain Civil Penalties Collected For Violations Of Laws Regulating Massage Therapy.*



### Scope of the Problem

Illicit massage businesses (IMBs) are fronts for prostitution and sex trafficking. Because they are often cash-only businesses, they are also magnets for burglary and armed robbery. Over 35,000 Texas school children attend a school that is within 1000 feet of an IMB, and since Children at Risk created their map of both IMBs and public schools in 2018, the number of IMBs has nearly doubled from 689 to 1,325. By ensuring that penalty fees gathered by local attorneys return to the locality, we can ensure that local government attorneys are empowered to reduce the number of IMBs and potentially recoup more of their illegally-obtained and untaxed profits.

Most local attorneys bringing civil actions against illicit massage businesses have focused on gaining an injunction against the business and shutting the business down. While this is a promising method of reducing IMBs without relying on victim testimony, many of these businesses simply reopen under a different name, sometimes at the same location or just down the street. The injunction temporarily defangs the operator of the business, but their profits are not affected enough to slow down the growing number of IMBs, as demonstrated by the increase from 2018-2022.

### Policy Recommendations

Permit local government attorneys to collect fees of up to 10,000 dollars per violation in Chapter 455 actions they bring against alleged IMBs. Currently, the statute is silent as to where penalty fees garnered by local attorneys go. By ensuring that those fees go back to the locality, local attorneys can justify devotion of resources to civil actions against IMBs. Furthermore, hefty penalty fees would hamper these IMBs from simply reopening under a different name at a different location. With penalty fees, local attorneys could permanently close these illicit massage businesses by hitting traffickers where it hurts--their wallets.

#### FOR QUESTIONS OR COMMENTS PLEASE CONTACT:

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