

By: Moody, Guillen, Harless

H.B. No. 393

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the definition of a bet for purposes of gambling  
3 criminal offenses.

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

5 SECTION 1. Section 47.01, Penal Code, is amended by  
6 amending Subdivision (1) and adding Subdivision (2-a) to read as  
7 follows:

8 (1) "Bet" means an agreement to win or lose something  
9 of value solely or partially by chance. A bet does not include:

10 (A) contracts of indemnity or guaranty, or life,  
11 health, property, or accident insurance;

12 (B) an offer of a prize, award, or compensation  
13 to the actual contestants or participants in a bona fide contest for  
14 the determination of skill, speed, strength, or endurance or to the  
15 owners of animals, vehicles, watercraft, or aircraft entered in a  
16 contest; ~~or~~

17 (C) an offer of merchandise, with a value not  
18 greater than \$25, made by the proprietor of a bona fide carnival  
19 contest conducted at a carnival sponsored by a nonprofit religious,  
20 fraternal, school, law enforcement, youth, agricultural, or civic  
21 group, including any nonprofit agricultural or civic group  
22 incorporated by the state before 1955, if the person to receive the  
23 merchandise from the proprietor is the person who performs the  
24 carnival contest; or

1                   (D) an offer of a prize, award, or compensation  
2 to the participants in a fantasy or simulated game or contest.

3                   (2-a) "Fantasy or simulated game or contest" means a  
4 bona fide contest, reflecting the knowledge and skill of the  
5 participants, in which:

6                   (A) participants assemble a fictional sports  
7 team composed of actual professional or amateur athletes to compete  
8 against other fictional sports teams assembled by other  
9 participants for a prize, award, or compensation;

10                   (B) the value of any prize, award, or  
11 compensation is established in advance of the beginning of the game  
12 or contest;

13                   (C) the outcome of the game or contest is  
14 determined by the accumulated statistical performances of the  
15 individual athletes on a participant's fictional sports team; and

16                   (D) the outcome of the game or contest is not  
17 based solely on the score, point spread, or performance of a single  
18 professional or amateur team or athlete.

19                   SECTION 2. The change in law made by this Act applies only  
20 to an offense committed on or after the effective date of this Act.  
21 An offense committed before the effective date of this Act is  
22 governed by the law in effect on the date the offense was committed,  
23 and the former law is continued in effect for that purpose. For  
24 purposes of this section, an offense was committed before the  
25 effective date of this Act if any element of the offense occurred  
26 before that date.

27                   SECTION 3. This Act takes effect September 1, 2021.