

By: Wu

H.B. No. 732

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of the criminal offenses of gambling,
3 keeping a gambling place, and possession of a gambling device,
4 equipment, or paraphernalia.

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

6 SECTION 1. Section 47.01(8), Penal Code, is amended to read
7 as follows:

8 (8) "Private residence [~~place~~]" means a dwelling
9 [~~place~~] to which the public does not have access, and excludes,
10 among other places, streets, highways, restaurants, taverns,
11 nightclubs, schools, hospitals, and the common areas of apartment
12 houses, hotels, motels, office buildings, transportation
13 facilities, and shops.

14 SECTION 2. Section 47.02(b), Penal Code, is amended to read
15 as follows:

16 (b) It is a defense to prosecution under this section that:
17 (1) the actor engaged in gambling in a private
18 residence [~~place~~];
19 (2) no person received any economic benefit other than
20 personal winnings; and
21 (3) except for the advantage of skill or luck, the
22 risks of losing and the chances of winning were the same for all
23 participants.

24 SECTION 3. Section 47.04(b), Penal Code, is amended to read

1 as follows:

2 (b) It is an affirmative defense to prosecution under this
3 section that:

4 (1) the gambling occurred in a private residence
5 [~~place~~];

6 (2) no person received any economic benefit other than
7 personal winnings; and

8 (3) except for the advantage of skill or luck, the
9 risks of losing and the chances of winning were the same for all
10 participants.

11 SECTION 4. Section 47.06(d), Penal Code, is amended to read
12 as follows:

13 (d) It is a defense to prosecution under Subsections (a) and
14 (c) that:

15 (1) the device, equipment, or paraphernalia is used
16 for or is intended for use in gambling that is to occur entirely in a
17 private residence [~~place~~];

18 (2) a person involved in the gambling does not receive
19 any economic benefit other than personal winnings; and

20 (3) except for the advantage of skill or luck, the
21 chance of winning is the same for all participants.

22 SECTION 5. The changes in law made by this Act apply only to
23 an offense committed on or after the effective date of this Act. An
24 offense committed before the effective date of this Act is governed
25 by the law in effect on the date the offense was committed, and the
26 former law is continued in effect for that purpose. For purposes of
27 this section, an offense was committed before the effective date of

1 this Act if any element of the offense occurred before that date.

2 SECTION 6. This Act takes effect September 1, 2023.