

By: Guillen

H.B. No. 2996

A BILL TO BE ENTITLED

AN ACT

relating to definitions for purposes of gambling criminal offenses
and the prosecution of gambling criminal offenses.

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

SECTION 1. Section 47.01, Penal Code, is amended by adding
Subdivision (2-a) and amending Subdivision (8) to read as follows:

(2-a) "Economic benefit" means direct winnings from a
game of skill or luck. The term does not include a benefit received
before a game commences or after payment of the direct winnings from
the game.

(8) "Private place" means a place to which the public
does not have access without a valid membership, special
invitation, or prior grant of permission~~[7]~~ and excludes, among
other places, streets, highways, restaurants, taverns, nightclubs,
schools, hospitals, and the common areas of apartment houses,
hotels, motels, office buildings, transportation facilities, and
shops.

SECTION 2. Section 47.04(b), Penal Code, is amended to read
as follows:

(b) It is a ~~[an affirmative]~~ defense to prosecution under
this section that:

- (1) the gambling occurred in a private place;
- (2) no person received any economic benefit other than
personal winnings; and

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

4 SECTION 3. The changes in law made by this Act apply only to
5 an offense committed on or after the effective date of this Act. An
6 offense committed before the effective date of this Act is governed
7 by the law in effect on the date the offense was committed, and the
8 former law is continued in effect for that purpose. For purposes of
9 this section, an offense was committed before the effective date of
10 this Act if any element of the offense occurred before that date.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2025.