

BILL ANALYSIS

H.B. 809
By: Keel
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Penal Code fails to address Native American sovereignty in regard to gambling because our state's gambling prohibitions were enacted prior to the current recognitions of Native American tribes and boundaries, and prior to the current exceptions that Texas carved out for itself to create games of prize, chance and consideration. House Bill 809 would provide a defense to prosecution for gambling offenses limited to the three recognized Native American tribes in Texas: The Tiguas near El Paso, the Alabama-Couhattas near Livingston in East Texas, and the Kickapoos near Eagle Pass. The defense to the gambling statutes would not be expanded beyond the actual sovereign territory the three tribes inhabit, even if the tribes were to acquire private property elsewhere.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 809 amends the Penal Code to provide a defense to prosecution for gambling offenses to the federally recognized Native American tribes or tribal organizations in Texas. The defense would not be expanded beyond the actual sovereign territory the tribes inhabit, even if the tribes were to acquire private property elsewhere.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.