

By: Keel, Chavez, Hupp, Thompson, Hodge

H.B. No. 809

A BILL TO BE ENTITLED

AN ACT

relating to certain gaming activity conducted by an Indian tribe or tribal organization.

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

SECTION 1. Section 47.09(a), Penal Code, is amended to read as follows:

(a) It is a defense to prosecution under this chapter that the conduct:

(1) was authorized under:

(A) Chapter 2001, Occupations Code;

(B) Chapter 2002, Occupations Code; or

(C) the Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes);

(2) consisted entirely of participation in gambling or other gaming activity of a type that is or may be permitted under the Indian Gaming Regulatory Act (25 U.S.C. Section 2701 et seq.), as amended, without regard to whether the gambling or gaming activity is conducted by an Indian tribe to which that Act applies, if the gambling or gaming activity is conducted:

(A) by a federally recognized Indian tribe or tribal organization as listed by the United States secretary of the interior under 25 U.S.C. Section 479a-1 on January 1, 1998; and

(B) on premises designated by the tribe or tribal organization for that gambling or other gaming activity on land

1 that is recognized as tribal land of that tribe or tribal
2 organization by the federal government on January 1, 1998;

3 (3) consisted entirely of participation in the state
4 lottery authorized by Chapter 466, Government Code; or

5 (4) [~~(3)~~] was a necessary incident to the operation of
6 the state lottery and was directly or indirectly authorized by:

7 (A) Chapter 466, Government Code;

8 (B) the lottery division of the Texas Lottery
9 Commission;

10 (C) the Texas Lottery Commission; or

11 (D) the director of the lottery division of the
12 Texas Lottery Commission.

13 SECTION 2. (a) The change in law made by this Act applies
14 only to an offense committed on or after the effective date of this
15 Act.

16 (b) An offense committed before the effective date of this
17 Act is covered by the law in effect when the offense was committed,
18 and the former law is continued in effect for that purpose. For the
19 purposes of this section, an offense is committed before the
20 effective date of this Act if any element of the offense occurs
21 before that date.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2003.