

By: Wohlgemuth

H.B. No. 977

A BILL TO BE ENTITLED

AN ACT

relating to criminal offenses for conduct involving gambling devices.

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

SECTION 1. Sections 47.01(4) and (9), Penal Code, are amended to read as follows:

(4) "Gambling device" means any electronic, electromechanical, or mechanical contrivance not excluded under Paragraph (B) that for a consideration affords the player an opportunity to obtain anything of value, the award of which is determined solely or partially by chance, even though accompanied by some skill, whether or not the prize is automatically paid by the contrivance. The term:

(A) includes, but is not limited to, gambling device versions of bingo, keno, blackjack, lottery, roulette, and video poker, and slot machines, video slot machines, video sweepstakes machines, and ~~or~~ similar electronic, electromechanical, or mechanical games, or facsimiles thereof, that operate by chance or partially so, that as a result of the play or operation of the game award credits or free games, and that record the number of free games or credits so awarded and the cancellation or removal of the free games or credits; and

(B) does not include any electronic, electromechanical, or mechanical contrivance designed, made, and

1 adapted solely for bona fide amusement purposes if the contrivance
2 rewards the player exclusively with noncash merchandise prizes,
3 toys, novelties, or a representation of value redeemable for those
4 items, that have a wholesale value available from a single play of
5 the game or device of not more than 10 times the amount charged to
6 play the game or device once or \$5, whichever is less.

7 (9) "Thing of value" means any benefit, but does not
8 include an [~~unrecorded~~ and] immediate right of replay not
9 exchangeable for value.

10 SECTION 2. (a) The change in law made by this Act applies
11 only to an offense committed on or after the effective date of this
12 Act. For purposes of this section, an offense is committed before
13 the effective date of this Act if any element of the offense occurs
14 before that date.

15 (b) An offense committed before the effective date of this
16 Act is covered by the law in effect when the offense was committed,
17 and the former law is continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2003.