

By: Dutton

H.B. No. 1824

A BILL TO BE ENTITLED

AN ACT

relating to authorizing an alcoholic beverage permit holder to host a card game.

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

SECTION 1. Section 47.02, Penal Code, is amended by adding Subsection (f) to read as follows:

(f) It is a defense to prosecution under this section that:

(1) the actor bet or played for money or other thing of value at a game played with cards on premises at which the actor reasonably believed the sale and consumption of alcoholic beverages was authorized by law;

(2) the actor reasonably believed that no participant in the card game received any economic benefit from that participation other than personal winnings; and

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

SECTION 2. Section 47.09, Penal Code, is amended by adding Subsections (c) and (d) to read as follows:

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

(1) the gambling for money or other thing of value involved a game played with cards that occurred on premises at which the sale and consumption of alcoholic beverages was authorized under an alcoholic beverage permit issued under Title 3, Alcoholic

1 Beverage Code;

2 (2) no person other than a participant in the card game
3 received any direct economic benefit from the card game, other than
4 a participation or admission charge collected by the owner of the
5 premises from persons participating in or observing the card game;

6 (3) no participant in the card game received any
7 economic benefit from that participation other than personal
8 winnings; and

9 (4) except for the advantage of skill or luck, the
10 risks of losing and the chances of winning at the card game were the
11 same for all participants.

12 (d) For purposes of Subsection (c), money received from
13 sales of beverages, food, or other goods or services is not a direct
14 economic benefit from a card game.

15 SECTION 3. The change in law made by this Act applies only
16 to an offense committed on or after the effective date of this Act.
17 An offense committed before the effective date of this Act is
18 covered by the law in effect when the offense was committed, and the
19 former law is continued in effect for that purpose. For purposes of
20 this section, an offense was committed before the effective date of
21 this Act if any element of the offense was committed before that
22 date.

23 SECTION 4. This Act takes effect September 1, 2005.