

By: Chavez, Pena, Brown of Brazos, Castro,  
Haggerty, et al.

H.B. No. 10

Substitute the following for H.B. No. 10:

By: Pena

C.S.H.B. No. 10

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:

(A) the gambling or gaming activity is conducted:

(i) 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

(ii) on premises designated by the tribe or

1 tribal organization for that gambling or other gaming activity on  
2 land that is recognized as tribal land of that tribe or tribal  
3 organization by the federal government on January 1, 1998; and

4 (B) the tribe or tribal organization pays to the  
5 comptroller an assessment in an amount equal to five percent of the  
6 revenue from the gambling or gaming activity not later than the  
7 fifth day of the month following the month in which the revenue was  
8 received for deposit into an account established by the comptroller  
9 that may only be used to fund the TEXAS grant program;

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

12 (4) [~~3~~] was a necessary incident to the operation of  
13 the state lottery and was directly or indirectly authorized by:

14 (A) Chapter 466, Government Code;

15 (B) the lottery division of the Texas Lottery  
16 Commission;

17 (C) the Texas Lottery Commission; or

18 (D) the director of the lottery division of the  
19 Texas Lottery Commission.

20 SECTION 2. (a) The change in law made by Section 1 of this  
21 Act applies only to an offense committed on or after the effective  
22 date of this Act.

23 (b) An offense committed before the effective date of this  
24 Act is covered by the law in effect when the offense was committed,  
25 and the former law is continued in effect for that purpose. For the  
26 purposes of this section, an offense is committed before the  
27 effective date of this Act if any element of the offense occurs

1 before that date.

2 SECTION 3. This Act takes effect September 1, 2007.