

Amend CSSB 309 (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike added Section 2153.502(1), Occupations Code (page 1, lines 23 and 24), and substitute the following:

(1) "Amusement redemption machine" means an electronic, electromechanical, or mechanical contrivance designed, made, and adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once or \$5, whichever is less.

(2) In SECTION 1 of the bill, in added Section 2153.503(c)(9), Occupations Code (page 1, line 63), strike "Section 47.01(4)(B), Penal Code" and substitute "this subchapter and rules adopted under this subchapter".

(3) In SECTION 1 of the bill, in added Section 2153.503(e), Occupations Code (page 2, lines 15 and 20), strike "Section 47.01(4)(B), Penal Code" both places it appears and substitute "this subchapter and rules adopted under this subchapter".

(4) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 47.01(4), Penal Code, is 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, a slot machine, gray machine, video lottery machine, eight-liner or gambling device versions of bingo, keno, blackjack, lottery, roulette, video poker, 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 adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once or \$5, whichever is less].~~

SECTION _____. Section 47.02(e), Penal Code, is repealed.

SECTION _____. (a) The change in law made by this Act applies only to an offense committed on or after September 1, 2009. For purposes of this section, an offense is committed before September 1, 2009, if any element of the offense occurs before that date.

(b) An offense committed before September 1, 2009, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.