

BILL ANALYSIS

H.B. 358
By: Flynn
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law defines "gambling device," for the purpose of a criminal offense relating to gambling, as any electronic, electromechanical, or mechanical contrivance 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. Law enforcement officials, in their investigations of the illegal use and operation of 8 liner machines, are required to investigate and store an entire machine, which is typically very large and heavy, rather than only retain the motherboard or other similar part of the device. This requirement makes the investigation cumbersome and the storage of the machines costly. Prosecutors and peace officers rely on local tax dollars to store and transport these machines.

H.B. 358 defines "device" or "contrivance," for the purpose of a criminal offense relating to gambling, as all or part of an electronic, electromechanical, or mechanical contrivance, machine, or apparatus.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 358 amends the Penal Code to define "device" or "contrivance," for the purpose of a criminal offense relating to gambling, as all or part of an electronic, electromechanical, or mechanical contrivance, machine, or apparatus.

EFFECTIVE DATE

September 1, 2009.