

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Flynn

H.B. No. 358

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to criminal offenses applicable to gambling and gambling  
3 devices.

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

5 SECTION 1. Section 47.01, Penal Code, is amended by adding  
6 Subdivision (4-a) to read as follows:

7 (4-a) "Device" or "contrivance" means all or part of  
8 an electronic, electromechanical, or mechanical contrivance,  
9 machine, or apparatus.

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 immediately before the effective  
17 date of this Act, and the former law is continued in effect for that  
18 purpose.

19 SECTION 3. This Act takes effect September 1, 2009.

**ADOPTED**

MAY 26 2009

By: E Gallegos

*Antony Spivey* Secretary of the Senate .B. No. 358

Substitute the following for \_\_\_\_ .B. No. \_\_\_\_:

By: Vander Pelt

C.S. \_\_\_\_ .B. No. \_\_\_\_

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the seizure of the circuit board of a gambling device or  
3 equipment, altered gambling equipment, or gambling paraphernalia.

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

5 SECTION 1. Chapter 18, Code of Criminal Procedure, is amended  
6 by adding Article 18.095 to read as follows:

7 Art. 18.095. SEIZURE OF CIRCUIT BOARD OF GAMBLING DEVICE,  
8 EQUIPMENT, OR PARAPHERNALIA. For purposes of this chapter, an  
9 officer directed under a search warrant to search for and seize a  
10 gambling device or equipment, altered gambling equipment, or gambling  
11 paraphernalia in the discretion of the officer may:

12 (1) seize only the programmable main circuit board of the  
13 device, equipment, or paraphernalia if that circuit board is designed  
14 as a subassembly or essential part of the device, equipment, or  
15 paraphernalia to provide the information necessary for the device,  
16 equipment, or paraphernalia to operate as a gambling device or

1 2

1 equipment, altered gambling equipment, or gambling paraphernalia;

2 (2) carry the circuit board before the magistrate; and

3 (3) retain custody of the circuit board as the property  
4 seized pursuant to the warrant as required under this chapter.

5 SECTION 2. This Act takes effect September 1, 2009.

2 3

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 28, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB358** by Flynn (Relating to the seizure of the circuit board of a gambling device or equipment, altered gambling equipment, or gambling paraphernalia.), **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, SD, KJG

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 23, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB358** by Flynn (Relating to the seizure of the circuit board of a gambling device or equipment, altered gambling equipment, or gambling paraphernalia.), **Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KJG

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 22, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB358** by Flynn (Relating to criminal offenses applicable to gambling and gambling devices.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KJG, JRO, DB

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 12, 2009**

**TO:** Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB358** by Flynn (Relating to criminal offenses applicable to gambling and gambling devices.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, JRO, DB

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**81ST LEGISLATIVE REGULAR SESSION**

**March 12, 2009**

**TO:** Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB358** by Flynn (Relating to criminal offenses applicable to gambling and gambling devices.), **As Introduced**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

**Source Agencies:**

**LBB Staff:** JOB, GG