

By: Menendez

H.B. No. 42

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offenses of gambling and keeping
a gambling place.

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

SECTION 1. Section 47.02(b), Penal Code, is amended to read
as follows:

(b) It is an exception to the application of [~~a defense to
prosecution under~~] this section that:

(1) the actor engaged in gambling in a private place;

(2) no person received any economic benefit other than
personal winnings; and

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

SECTION 2. Section 47.04(b), Penal Code, is amended to read
as follows:

(b) It is an exception to the application of [~~affirmative
defense to prosecution under~~] this section that:

(1) the gambling occurred in a private place;

(2) no person received any economic benefit other than
personal winnings; and

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

1 SECTION 3. The change in law made by this Act applies only
2 to an offense committed on or after the effective date of this Act.
3 An offense committed before the effective date of this Act is
4 covered by the law in effect on the date the offense was committed,
5 and the former law is continued in effect for that purpose. For
6 purposes of this section, an offense was committed before the
7 effective date of this Act if any element of the offense occurred
8 before that date.

9 SECTION 4. This Act takes effect September 1, 2013.