

By: Raymond, Miller of Fort Bend

H.B. No. 137

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the information reported to the comptroller by a
3 coin-operated machine license holder, the penalty for failure to
4 report that information, the penalty for gambling promotion, and
5 the prosecution of certain gambling offenses.

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

7 SECTION 1. Section 2153.202, Occupations Code, is amended
8 by amending Subsection (a) and adding Subsection (a-1) to read as
9 follows:

10 (a) A license holder shall maintain a record of and report
11 to the comptroller information relating to each music or skill or
12 pleasure coin-operated machine owned, possessed, or controlled by
13 the license holder, including:

- 14 (1) the make, type, and serial number of each machine;
15 (2) the date each machine is placed in operation;
16 (3) the dates of the first and most recent
17 registration of each machine;
18 (4) the specific location of each machine; ~~and~~
19 (5) the name and address of the owner of the machine;
20 (6) except as provided by Subsection (a-1), the name
21 and address of any person other than the owner who has a financial
22 interest in the proceeds of the machine; and
23 (7) any change in machine ownership.

24 (a-1) A corporate license holder is not required to maintain

1 a record of or report the name and address of a shareholder who
2 holds less than 10 percent of the shares in the license holder's
3 corporation.

4 SECTION 2. Section 2153.358(b), Occupations Code, is
5 amended to read as follows:

6 (b) An offense under this section is a Class A [~~B~~]
7 misdemeanor.

8 SECTION 3. Section 47.03(b), Penal Code, is amended to read
9 as follows:

10 (b) An offense under this section is a state jail felony
11 [~~Class A misdemeanor~~].

12 SECTION 4. Chapter 47, Penal Code, is amended by adding
13 Section 47.11 to read as follows:

14 Sec. 47.11. ATTORNEY GENERAL MAY PROSECUTE CERTAIN GAMBLING
15 OFFENSES. The attorney general has concurrent jurisdiction with
16 the local prosecutor to prosecute an offense under this section
17 that involves an electric or electromechanical gambling device not
18 excluded from the definition of gambling device by Section
19 47.01(4)(B).

20 SECTION 5. Section 71.02(a), Penal Code, as amended by
21 Chapters 68 (S.B. 934) and 223 (H.B. 260), Acts of the 82nd
22 Legislature, Regular Session, 2011, is reenacted and amended to
23 read as follows:

24 (a) A person commits an offense if, with the intent to
25 establish, maintain, or participate in a combination or in the
26 profits of a combination or as a member of a criminal street gang,
27 the person commits or conspires to commit one or more of the

1 following:

2 (1) murder, capital murder, arson, aggravated
3 robbery, robbery, burglary, theft, aggravated kidnapping,
4 kidnapping, aggravated assault, aggravated sexual assault, sexual
5 assault, forgery, deadly conduct, assault punishable as a Class A
6 misdemeanor, burglary of a motor vehicle, or unauthorized use of a
7 motor vehicle;

8 (2) any gambling offense punishable as a felony or as a
9 Class A misdemeanor;

10 (3) promotion of prostitution, aggravated promotion
11 of prostitution, or compelling prostitution;

12 (4) unlawful manufacture, transportation, repair, or
13 sale of firearms or prohibited weapons;

14 (5) unlawful manufacture, delivery, dispensation, or
15 distribution of a controlled substance or dangerous drug, or
16 unlawful possession of a controlled substance or dangerous drug
17 through forgery, fraud, misrepresentation, or deception;

18 (5-a) causing the unlawful delivery, dispensation, or
19 distribution of a controlled substance or dangerous drug in
20 violation of Subtitle B, Title 3, Occupations Code;

21 (6) any unlawful wholesale promotion or possession of
22 any obscene material or obscene device with the intent to wholesale
23 promote the same;

24 (7) any offense under Subchapter B, Chapter 43,
25 depicting or involving conduct by or directed toward a child
26 younger than 18 years of age;

27 (8) any felony offense under Chapter 32;

- 1 (9) any offense under Chapter 36;
2 (10) any offense under Chapter 34, 35, or 35A;
3 (11) any offense under Section 37.11(a);
4 (12) any offense under Chapter 20A;
5 (13) any offense under Section 37.10;
6 (14) any offense under Section 38.06, 38.07, 38.09, or
7 38.11;
8 (15) any offense under Section 42.10;
9 (16) any offense under Section 46.06(a)(1) or 46.14;
10 [~~or~~]
11 (17) any offense under Section 20.05; or
12 (18) [~~(17)~~] any offense classified as a felony under
13 the Tax Code.

14 SECTION 6. (a) The change in law made by this Act to Section
15 2153.202, Occupations Code, applies to a record maintained or
16 reported under that section on or after the effective date of this
17 Act.

18 (b) The changes in law made by this Act to Section 2153.358,
19 Occupations Code, and Sections 47.03 and 71.02, Penal Code, apply
20 only to an offense committed on or after the effective date of this
21 Act. An offense committed before the effective date of this Act is
22 governed by the law in effect when the offense was committed, and
23 the former law is continued in effect for that purpose. For
24 purposes of this subsection, an offense was committed before the
25 effective date of this Act if any element of the offense occurred
26 before that date.

27 SECTION 7. This Act takes effect September 1, 2013.