

By: Raymond

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, and the penalty for gambling promotion.

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

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

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

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

23 (a-1) A corporate license holder is not required to maintain
24 a record of or report the name and address of a shareholder who

1 holds less than 10 percent of the shares in the license holder's
2 corporation.

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

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

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

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

11 SECTION 4. Section 71.02(a), Penal Code, as amended by
12 Chapters 68 (S.B. 934) and 223 (H.B. 260), Acts of the 82nd
13 Legislature, Regular Session, 2011, is reenacted and amended to
14 read as follows:

15 (a) A person commits an offense if, with the intent to
16 establish, maintain, or participate in a combination or in the
17 profits of a combination or as a member of a criminal street gang,
18 the person commits or conspires to commit one or more of the
19 following:

20 (1) murder, capital murder, arson, aggravated
21 robbery, robbery, burglary, theft, aggravated kidnapping,
22 kidnapping, aggravated assault, aggravated sexual assault, sexual
23 assault, forgery, deadly conduct, assault punishable as a Class A
24 misdemeanor, burglary of a motor vehicle, or unauthorized use of a
25 motor vehicle;

26 (2) any gambling offense punishable as a felony or as a
27 Class A misdemeanor;

- 1 (3) promotion of prostitution, aggravated promotion
2 of prostitution, or compelling prostitution;
- 3 (4) unlawful manufacture, transportation, repair, or
4 sale of firearms or prohibited weapons;
- 5 (5) unlawful manufacture, delivery, dispensation, or
6 distribution of a controlled substance or dangerous drug, or
7 unlawful possession of a controlled substance or dangerous drug
8 through forgery, fraud, misrepresentation, or deception;
- 9 (5-a) causing the unlawful delivery, dispensation, or
10 distribution of a controlled substance or dangerous drug in
11 violation of Subtitle B, Title 3, Occupations Code;
- 12 (6) any unlawful wholesale promotion or possession of
13 any obscene material or obscene device with the intent to wholesale
14 promote the same;
- 15 (7) any offense under Subchapter B, Chapter 43,
16 depicting or involving conduct by or directed toward a child
17 younger than 18 years of age;
- 18 (8) any felony offense under Chapter 32;
- 19 (9) any offense under Chapter 36;
- 20 (10) any offense under Chapter 34, 35, or 35A;
- 21 (11) any offense under Section 37.11(a);
- 22 (12) any offense under Chapter 20A;
- 23 (13) any offense under Section 37.10;
- 24 (14) any offense under Section 38.06, 38.07, 38.09, or
25 38.11;
- 26 (15) any offense under Section 42.10;
- 27 (16) any offense under Section 46.06(a)(1) or 46.14;

1 [~~or~~]

2 (17) any offense under Section 20.05; or

3 (18) [~~(17)~~] any offense classified as a felony under
4 the Tax Code.

5 SECTION 5. (a) The change in law made by this Act to Section
6 2153.202, Occupations Code, applies to a record maintained or
7 reported under that section on or after the effective date of this
8 Act.

9 (b) The changes in law made by this Act to Section 2153.358,
10 Occupations Code, and Sections 47.03 and 71.02, Penal Code, apply
11 only to an offense committed on or after the effective date of this
12 Act. An offense committed before the effective date of this Act is
13 governed by the law in effect when the offense was committed, and
14 the former law is continued in effect for that purpose. For
15 purposes of this subsection, an offense was committed before the
16 effective date of this Act if any element of the offense occurred
17 before that date.

18 SECTION 6. This Act takes effect September 1, 2013.