

By: Rodriguez

S.B. No. 1132

A BILL TO BE ENTITLED

AN ACT

relating to certain gaming conducted in this state by federally
recognized Indian tribes on tribal land.

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

SECTION 1. Subtitle A, Title 13, Occupations Code, is
amended by adding Chapter 2004 to read as follows:

CHAPTER 2004. CERTAIN GAMING BY FEDERALLY RECOGNIZED INDIAN TRIBES

Sec. 2004.001. DEFINITIONS. In this chapter:

(1) "Class II gaming" has the meaning assigned by
Section 4(7), Indian Gaming Regulatory Act (25 U.S.C. Section
2703(7)).

(2) "Indian tribe" means a federally recognized Indian
tribe or tribal organization that is included in the list published
by the United States secretary of the interior as required under 25
U.S.C. Section 479a-1.

(3) "Tribal land" means Indian land held in trust for
an Indian tribe by the United States.

Sec. 2004.002. GAMING ON TRIBAL LANDS. (a) An Indian tribe
may conduct on its tribal land in accordance with Section 47(f),
Article III, Texas Constitution, federal law, and the rules of the
National Indian Gaming Commission:

(1) class II gaming; and

(2) any gaming authorized under the Texas Constitution
or state law and conducted by an individual, organization, group,

1 or entity in this state.

2 (b) A state law or rule governing the time, place, or manner
3 in which gaming activity described by Subsection (a)(2) may be
4 conducted does not apply to the conduct of that activity on tribal
5 lands.

6 SECTION 2. Section 47.02(c), Penal Code, is amended to read
7 as follows:

8 (c) It is a defense to prosecution under this section that
9 the actor reasonably believed that the conduct:

10 (1) was permitted under Chapter 2001, Occupations
11 Code;

12 (2) was permitted under Chapter 2002, Occupations
13 Code;

14 (3) was permitted under Chapter 2004, Occupations
15 Code;

16 (4) consisted entirely of participation in the state
17 lottery authorized by the State Lottery Act (Chapter 466,
18 Government Code);

19 (5) [~~(4)~~] was permitted under the Texas Racing Act
20 (Article 179e, Vernon's Texas Civil Statutes); or

21 (6) [~~(5)~~] consisted entirely of participation in a
22 drawing for the opportunity to participate in a hunting, fishing,
23 or other recreational event conducted by the Parks and Wildlife
24 Department.

25 SECTION 3. Section 47.06, Penal Code, is amended by adding
26 Subsection (f-1) to read as follows:

27 (f-1) It is a defense to prosecution under Subsection (a) or

1 (c) that the person owned, manufactured, transferred, or possessed
2 the equipment or paraphernalia related to the play of poker for the
3 sole purpose of shipping it to an establishment authorized to
4 conduct gaming under Chapter 2004, Occupations Code.

5 SECTION 4. Section 47.09(a), Penal Code, is amended to read
6 as follows:

7 (a) It is a defense to prosecution under this chapter that
8 the conduct:

9 (1) was authorized under:

10 (A) Chapter 2001, Occupations Code;

11 (B) Chapter 2002, Occupations Code; ~~or~~

12 (C) Chapter 2004, Occupations Code; or

13 (D) the Texas Racing Act (Article 179e, Vernon's
14 Texas Civil Statutes);

15 (2) consisted entirely of participation in the state
16 lottery authorized by Chapter 466, Government Code; or

17 (3) was a necessary incident to the operation of the
18 state lottery and was directly or indirectly authorized by:

19 (A) Chapter 466, Government Code;

20 (B) the lottery division of the Texas Lottery
21 Commission;

22 (C) the Texas Lottery Commission; or

23 (D) the director of the lottery division of the
24 Texas Lottery Commission.

25 SECTION 5. This Act takes effect December 15, 2013, but only
26 if the constitutional amendment authorizing the operation of
27 certain gaming in this state by federally recognized Indian tribes

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1 on tribal land is approved by the voters. If that amendment is not
2 approved by the voters, this Act has no effect.