

By: Hall

S.B. No. 376

A BILL TO BE ENTITLED

AN ACT

relating to criminal offenses applicable to and authorized uses of
gambling devices, including eight-liners.

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

SECTION 1. Section 47.01, Penal Code, is amended by
amending Subdivisions (4) and (9) and adding Subdivisions (10) and
(11) to read as follows:

(4) "Gambling device" means any device ~~[electronic,~~
~~electromechanical, or mechanical contrivance not excluded under~~
~~Paragraph (B)]~~ that for ~~[a]~~ consideration affords the player or
user of the device an opportunity to obtain any thing ~~[anything]~~ of
value, the award of which is determined solely or partially by
chance, even though accompanied by some skill~~[, whether or not the~~
~~prize is automatically paid by the contrivance]~~. The term~~[-~~

~~[(A)]~~ includes:

(A) an eight-liner; and

(B) a~~[, but is not limited to,]~~ gambling device
version ~~[versions]~~ of bingo, keno, blackjack, lottery, roulette,
video poker, or similar electronic, electromechanical, or
mechanical games, or a facsimile of any of those or similar games
~~[facsimiles thereof]~~, that:

(i) operates solely or partially ~~[operate]~~
by chance;

(ii) ~~[or partially so, that]~~ as a result of

the play or use [~~operation~~] of the game, awards [~~award~~] credits or free games; [7] and

(iii) records [~~that record~~] the number of free games or credits [~~so~~] awarded and the cancellation or removal of the free games or credits[7 and

[~~(B) does not include any electronic, electromechanical, or mechanical contrivance designed, made, and adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once or \$5, whichever is less~~].

(9) "Thing of value" means any property, money, right, privilege, or other benefit, including a representation of value redeemable for any property, money, right, privilege, or other benefit [~~but does not include an unrecorded and immediate right of replay not exchangeable for value~~].

(10) "Device" includes all or part of an electronic, electromechanical, or mechanical contrivance, machine, or apparatus.

(11) "Eight-liner" means an electronic device capable of simulating the play of a traditional mechanical slot machine, regardless of the number of lines of play, that for consideration affords a player or user of the device an opportunity to win a prize based solely or partially on chance.

SECTION 2. Chapter 47, Penal Code, is amended by adding

Section 47.091 to read as follows:

Sec. 47.091. DEFENSES FOR CERTAIN AMUSEMENT DEVICES. (a)

It is a defense to prosecution under Section 47.02 that the conduct consists entirely of playing or using a gambling device in which:

(1) skill is the predominant requirement for the player or user to win or be awarded a thing of value for playing or using the device; and

(2) the player or user may not win or be awarded a thing of value for playing or using the device other than:

(A) noncash merchandise available only on the premises where the device is located; or

(B) a ticket, coupon, or other representation of value redeemable only on the premises where the device is located for noncash merchandise.

(b) For purposes of Subsection (a)(2):

(1) noncash merchandise or a representation of value redeemable for noncash merchandise that may be won or awarded for a single play of game on or use of a gambling device may not have a wholesale value of more than 10 times the amount charged for a single play or use or \$5, whichever is less; and

(2) an item of noncash merchandise that may be won or awarded for playing or using the device or for which a person may redeem one or more tickets, coupons, or other representations of value won or awarded for playing or using the device may not have a wholesale value of more than \$50.

(c) It is a defense to prosecution under Section 47.02 that the conduct consists entirely of playing or using a gambling device

1 in which the player or user of the device may win or be awarded only
2 the opportunity to continue playing the game or using the device and
3 the opportunity is not exchangeable for another thing of value.

4 (d) It is a defense to prosecution under Section 47.03,
5 47.04, or 47.06 that the conduct consists of or is a necessary
6 incident to offering, using, or maintaining one or more gambling
7 devices used exclusively for conduct for which Subsection (a) or
8 (c) provides a defense to a person playing or using the device,
9 including manufacturing, transporting, storing, or repairing the
10 device.

11 (e) In this section, "noncash merchandise" does not
12 include:

13 (1) a check, money order, or cashier's check;

14 (2) a traveler's check; or

15 (3) any other item of cash equivalence.

16 SECTION 3. Section 2001.416, Occupations Code, is amended
17 by amending Subsection (a) and adding Subsection (e) to read as
18 follows:

19 (a) Except as otherwise provided by Subsection (e), a [A]
20 game of chance other than bingo or a raffle conducted under Chapter
21 2002 may not be conducted or allowed during a bingo occasion.

22 (e) A licensed authorized organization may exhibit and
23 allow patrons to play or use a gambling device described by Section
24 47.091, Penal Code.

25 SECTION 4. The following provisions are repealed:

26 (1) Subchapter E, Chapter 234, Local Government Code;

27 and

1 (2) Section 47.02(e), Penal Code.

2 SECTION 5. (a) The change in law made by this Act applies
3 only to an offense committed on or after the effective date of this
4 Act. For purposes of this section, an offense is committed before
5 the effective date of this Act if any element of the offense occurs
6 before that date.

7 (b) An offense committed before the effective date of this
8 Act is covered by the law in effect when the offense was committed,
9 and the former law is continued in effect for that purpose.

10 SECTION 6. This Act takes effect September 1, 2019.