

By: Moody

H.B. No. 393

A BILL TO BE ENTITLED

AN ACT

relating to the definition of a bet for purposes of gambling
criminal offenses.

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

SECTION 1. Section 47.01, Penal Code, is amended by
amending Subdivision (1) and adding Subdivision (2-a) to read as
follows:

(1) "Bet" means an agreement to win or lose something
of value solely or partially by chance. A bet does not include:

(A) contracts of indemnity or guaranty, or life,
health, property, or accident insurance;

(B) an offer of a prize, award, or compensation
to the actual contestants or participants in a bona fide contest for
the determination of skill, speed, strength, or endurance or to the
owners of animals, vehicles, watercraft, or aircraft entered in a
contest; ~~or~~

(C) an offer of merchandise, with a value not
greater than \$25, made by the proprietor of a bona fide carnival
contest conducted at a carnival sponsored by a nonprofit religious,
fraternal, school, law enforcement, youth, agricultural, or civic
group, including any nonprofit agricultural or civic group
incorporated by the state before 1955, if the person to receive the
merchandise from the proprietor is the person who performs the
carnival contest; or

1 (D) an offer of a prize, award, or compensation
2 to the participants in a fantasy or simulated game or contest.

3 (2-a) "Fantasy or simulated game or contest" means a
4 bona fide contest, reflecting the knowledge and skill of the
5 participants, in which:

6 (A) participants assemble a fictional sports
7 team composed of actual professional or amateur athletes to compete
8 against other fictional sports teams assembled by other
9 participants for a prize, award, or compensation;

10 (B) the value of any prize, award, or
11 compensation is established in advance of the beginning of the game
12 or contest;

13 (C) the outcome of the game or contest is
14 determined by the accumulated statistical performances of the
15 individual athletes on a participant's fictional sports team; and

16 (D) the outcome of the game or contest is not
17 based solely on the score, point spread, or performance of a single
18 professional or amateur team or athlete.

19 SECTION 2. The change in law made by this Act applies only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 governed by the law in effect on the date the offense was committed,
23 and the former law is continued in effect for that purpose. For
24 purposes of this section, 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 3. This Act takes effect September 1, 2021.