

By: Kolkhorst

S.B. No. 592

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the definition of a bet for purposes of gambling
3 criminal offenses.

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

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

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

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

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

17 (C) an offer of merchandise, with a value not
18 greater than \$25, made by the proprietor of a bona fide carnival
19 contest conducted at a carnival sponsored by a nonprofit religious,
20 fraternal, school, law enforcement, youth, agricultural, or civic
21 group, including any nonprofit agricultural or civic group
22 incorporated by the state before 1955, if the person to receive the
23 merchandise from the proprietor is the person who performs the
24 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.