

By: Moody

H.B. No. 904

A BILL TO BE ENTITLED

AN ACT

relating to definitions 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

(D) an offer of a prize, award, or compensation

1 to the participants in a fantasy or simulated game or contest.

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

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

9 (B) the value of any prize, award, or  
10 compensation is established before the game or contest begins;

11 (C) the outcome of the game or contest is  
12 determined by the accumulated statistical performances of the  
13 individual athletes on a participant's assembled team; and

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

17 SECTION 2. The change in law made by this Act applies only  
18 to an offense committed on or after the effective date of this Act.  
19 An offense committed before the effective date of this Act is  
20 governed by the law in effect on the date the offense was committed,  
21 and the former law is continued in effect for that purpose. For  
22 purposes of this section, an offense was committed before the  
23 effective date of this Act if any element of the offense occurred  
24 before that date.

25 SECTION 3. This Act takes effect September 1, 2023.