

By: Guillen

H.B. No. 2142

A BILL TO BE ENTITLED

1 AN ACT
2 relating to definitions for purposes of gambling criminal offenses.

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

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

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

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

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

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

24 (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) one or more participants assemble or manage
6 fictional rosters composed of actual professional or amateur
7 athletes to compete against other participants or to achieve a
8 preestablished score or other numerical measure of actual
9 performance to win a prize, award, or compensation;

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

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

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

18 (E) participants pay an entry fee to the operator
19 of the game or contest.

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

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