

By: Tepper

H.B. No. 487

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 adding Subdivisions (2-a) and (2-b) and amending Subdivisions (4) and (9) to read as follows:

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

(2-b) "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.

(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

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

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

8 (ii) ~~[or partially so, that]~~ as a result of
9 the play or use ~~[operation]~~ of the game, awards ~~[award]~~ credits or
10 free games; i ~~[,]~~ and

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

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

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

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

1 Section 47.091 to read as follows:

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

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

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

8 (2) the player or user may only win or be awarded as a
9 thing of value for playing or using the device:

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

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

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

16 (1) the value of the noncash merchandise or
17 representation of value redeemable for noncash merchandise won or
18 awarded for a single play of game on or use of a gambling device may
19 not exceed the lesser of a wholesale value of 10 times the amount
20 charged for the single play or use or \$5; and

21 (2) the wholesale value of an item of noncash
22 merchandise won or awarded for playing or using the device or for
23 which a person may redeem one or more tickets, coupons, or other
24 representations of value won or awarded for playing or using the
25 device may not exceed \$50.

26 (c) It is a defense to prosecution under Section 47.02 that
27 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, 2025.