By: Guillen H.B. No. 2996

A BILL TO BE ENTITLED

1	AN ACT

- 2 relating to definitions for purposes of gambling criminal offenses
- ${\tt 3}$ and the prosecution of gambling 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 adding
- 6 Subdivision (2-a) and amending Subdivision (8) to read as follows:
- 7 (2-a) "Economic benefit" means direct winnings from a
- 8 game of skill or luck. The term does not include a benefit received
- 9 before a game commences or after payment of the direct winnings from
- 10 the game.
- 11 (8) "Private place" means a place to which the public
- 12 does not have access without a valid membership, special
- 13 invitation, or prior grant of permission $[\tau]$ and excludes, among
- 14 other places, streets, highways, restaurants, taverns, nightclubs,
- 15 schools, hospitals, and the common areas of apartment houses,
- 16 hotels, motels, office buildings, transportation facilities, and
- 17 shops.
- SECTION 2. Section 47.04(b), Penal Code, is amended to read
- 19 as follows:
- 20 (b) It is \underline{a} [an affirmative] defense to prosecution under
- 21 this section that:
- 22 (1) the gambling occurred in a private place;
- 23 (2) no person received any economic benefit other than
- 24 personal winnings; and

H.B. No. 2996

- 1 (3) except for the advantage of skill or luck, the 2 risks of losing and the chances of winning were the same for all 3 participants.
- SECTION 3. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.
- this Act if any element of the offense occurred before that date.

 SECTION 4. This Act takes effect immediately if it receives

 a vote of two-thirds of all the members elected to each house, as

 provided by Section 39, Article III, Texas Constitution. If this

 Act does not receive the vote necessary for immediate effect, this

 Act takes effect September 1, 2025.