

## CHAPTER 313

## S.B. No. 342

## AN ACT

relating to gambling promotion and related offenses; providing penalties.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subdivision (1), Section 47.01, Penal Code, is amended to read as follows:

(1) "Bet" means an agreement that, dependent on chance even though accompanied by some skill, one stands to win or lose something of value. A bet does not include:

(A) contracts of indemnity or ~~[of]~~ guaranty, or life, health, property, or accident insurance; ~~[or]~~

(B) an offer of a prize, award, or compensation to the actual contestants 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, if the person to receive the merchandise from the proprietor is the person who performs the carnival contest.*

SECTION 2. Subdivision (3), Section 47.01, Penal Code, is amended to read as follows:

(3) "Gambling device" means any ~~[mechanical]~~ contrivance that for a consideration affords the player an opportunity to obtain anything of value, the award of which is determined by chance, even though accompanied by some skill, whether or not the prize is automatically paid by the contrivance.

SECTION 3. Section 47.03, Penal Code, is amended to read as follows:

Sec. 47.03. GAMBLING PROMOTION. (a) A person commits an offense if he intentionally or knowingly does any of the following acts:

- (1) operates or participates in the earnings of a gambling place;
- (2) *engages in bookmaking* ~~[receives, records, or forwards a bet or offer to bet];~~
- (3) for gain, becomes a custodian of anything of value bet or offered to be bet;
- (4) sells chances on the partial or final result of or on the margin of victory in any game or contest or on the performance of any participant in any game or contest or on the result of any political nomination, appointment, or election or on the degree of success of any nominee, appointee, or candidate; or

(5) for gain, sets up or promotes any lottery or sells or offers to sell or knowingly possesses for transfer, or transfers any card, stub, ticket, check, or other device designed to serve as evidence of participation in any lottery.

(b) *In this section "bookmaking" means:*

(1) *the receiving and recording of or the forwarding of more than five bets or offers to bet in one 24-hour period;*

(2) *the receiving and recording of or the forwarding of bets or offers to bet totalling more than \$1,000 in one 24-hour period; or*

(3) *a scheme by three or more persons to receive, record, or forward bets or offers to bet.*

(c) An offense under this section is a felony of the third degree.

SECTION 4. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. This Act takes effect September 1, 1987.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 24, 1987, by a viva-voce vote; and that the Senate concurred in House amendment on May 28, 1987, by a viva-voce vote. Passed the House, with amendment, on May 25, 1987, by a non-record vote.

Approved June 11, 1987.

Effective Sept. 1, 1987.