

SUBJECT: Providing exceptions for certain gambling offenses

COMMITTEE: Licensing & Administrative Procedures — committee substitute recommended

VOTE: 8 ayes — K. King, Walle, Goldman, Harless, Hernandez, Herrero, Patterson, S. Thompson

2 nays — Schaefer, Shaheen

1 absent — T. King

WITNESSES: For — Trent Touchstone, Champions Club; Bogdan Rentea, Texas Card House; Jennifer Growcock; (*Registered, but did not testify*: Isaac Trumbo, Champions Club Texas; Douglas Polk, Lodge Card Club; Foster Hearn, Sammy Nooner, SA Card House; Bonnie Bruce and Sam Von Kennel, Texans For Texas Holdem; Craig Chick and Ryan Crow, Texas Card House; AJ Louderback, Texas Sheriffs Regional Alliance)

Against — Rob Kohler, Christian Life Commission of Baptist General Convention of Texas; Daniel Kebort; (*Registered, but did not testify*: Jason Nelson, Kickapoo Traditional Tribe of Texas)

BACKGROUND: Some have suggested that certain gambling-related definitions should be updated to clarify the legality of gambling in a private place under certain conditions.

DIGEST: CSHB 2345 would define "economic benefit" as direct winnings from a game of skill or luck. The term would not include a benefit received before a game commenced or after payment of the direct winnings from the game.

The bill would amend the definition of "private place" to include a place to which the public did not have access without a valid membership, special invitation, or prior grant of permission.

CSHB 2345 would specify that certain circumstances would be an exception to the application of a gambling offense, instead of a defense to prosecution.

The bill would add exceptions to the application of gambling offenses if:

- the gambling place was located or the thing of value was bet or offered in a private place;
- the gambling place or thing of value bet or offered did not provide any economic benefit other than personal winnings; and
- except for the advantage of skill or luck, the risks of losing and the chances of winning at the gambling place or losing or winning the thing of value bet or offered were the same for all participants.

The bill only would apply to an offense committed on or after the effective date of the bill.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.