

## **BILL ANALYSIS**

Senate Research Center  
76R6356 GJH-F

H.B. 1802  
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Criminal Justice  
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Engrossed

### **DIGEST**

Under current law, a cruise ship with gambling equipment on board must take certain steps to disable its gambling devices before entering Texas' territorial waters, which includes covering the devices, disabling the devices, and barring access to the rooms where the devices are located. Barring access to rooms that contain the devices can create safety hazards for some vessels. H.B. 1802 provides that gambling devices aboard a cruise ship should be disabled before entering Texas' territorial waters.

### **PURPOSE**

As proposed, H.B. 1802 provides that gambling devices aboard a cruise ship should be disabled before entering Texas' territorial waters.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 47.09(b), Penal Code, to delete text providing that it is an affirmative defense to prosecution under Section 47.04 (Keeping a Gambling Place), 47.06(a) (Possession of Gambling Device, Equipment, or Paraphernalia), and 47.06(c), if the portion of the vessel in which the gambling device, equipment, or paraphernalia aboard an ocean-going vessel entering the territorial waters of this state is at all times, while the vessel is in the territorial waters of this state, locked, physically secured, or covered in a manner that prevents its accessibility, use, or viewing and that no person other than the master or crew of the vessel is permitted to enter, view, or uncover the device, equipment, or paraphernalia. The effect of the deletions in the text is to provide that it is an affirmative defense to prosecution under Section 47.04, 47.06(a), and 47.06(c), that the gambling device, equipment, or paraphernalia aboard an ocean-going vessel entering the territorial waters of this state, if at all times while the vessel is in the territorial waters of this state, all devices, equipment, or paraphernalia are disabled from a remote and secured area in a way that allows only the master or crew to remove any disabling device, and at all times while the vessel is in the territorial waters of this state, any disabling device is not removed, except for the purposes of inspecting or repairing the device, equipment, or paraphernalia.

SECTION 2. Effective date: September 1, 1999.  
Makes application of this Act prospective.

SECTION 3. Emergency clause.