

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 970  
By: Sibley  
Economic Development  
3/16/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, Texas law allows for the use of electronic, electromechanical, or mechanical devices designed for bona fide amusement purposes. This provision in Section 47.01(4)(B), Penal Code, has been interpreted to include eight-liner gambling machines that look and play like machines found in casinos. However, a recent Attorney General's opinion concluded that such eight-liner machines are illegal gambling devices. This bill bans the use or possession of eight-liner machines.

### **PURPOSE**

As proposed, C.S.S.B. 970 bans the use or possession of eight-liner machines.

### **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 47.01, Penal Code, by amending Subdivision (4) and adding Subdivision (10), as follows:

(4) Redefines "gambling device."

(10) Defines "bona fide amusement device."

SECTION 2. Amends Section 47.02(e), Penal Code, to provide that it is an affirmative defense to prosecution under this section that person played for something of value other than money using a bona fide amusement device, rather than an electronic, electromechanical, or mechanical contrivance excluded from the definition of "gambling device" under Section 47.01(4)(B).

SECTION 3. Amends Section 47.06, Penal Code, by adding Subsection (h), as follows:

(h) Provides that it is an affirmative defense to prosecution under Subsection (a) that the device possessed was a bona fide amusement device.

SECTION 4. Effective date: September 1, 1999.  
Makes application of this Act prospective.

SECTION 5. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Section 47.01(10), Penal Code, to redefine "bona fide amusement device," to prohibit the wholesale value of any single item of merchandise from exceeding \$250, and provides that a bonafide amusement device does not include a device that awards a thing of value and allows amendment, cancellation, removal, or recording of the number of free games or credits the player has accumulated as a result of playing the device or game.