

BILL ANALYSIS

Senate Research Center
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S.B. 137
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State Affairs
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As Filed

DIGEST

Currently, Texas law does not prohibit the purchase of lottery tickets by minors. While Section 466.3051, Government Code, prohibits sales agents or their employees from selling lottery tickets to minors, the advent of instant lottery ticket vending machines has resulted in an influx of minors buying tickets from machines, rather than sales agents. S.B. 137 provides that a sales agent who sells a lottery ticket to a minor and a minor who purchases a lottery ticket may be punished by a Class C misdemeanor or a Class B misdemeanor in certain circumstances.

PURPOSE

As proposed, S.B. 137 regulates the sale of lottery tickets by vending machine; and the purchase of a lottery ticket by a person younger than the age of 18; imposes of criminal penalties.

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 Chapter 466G, Government Code, to add Section 466.3041, as follows:

Sec. 466.3041. SALE OF TICKETS BY VENDING MACHINE. Requires a sales agent who sells tickets by means of a ticket vending machine to post a sign in a conspicuous place on the machine. Sets forth the information the sign must include. Requires the sales agent to ensure that each ticket vending machine is within an area closely monitored by the sales agent or an employee of the sales agent to ensure that tickets are purchased from the machine only by persons 18 years of age or older. Provides that this section does not limit the authority of the Texas Lottery Commission to establish other requirements or restrictions or to take other action to enforce Section 466.3051. Provides that a sales agent who violates Subsection (a) or (b) commits a Class C misdemeanor.

SECTION 2. Amends Section 466.3051, Government Code, to provide that an individual who is younger than 18 years of age commits an offense if the individual purchases a ticket or falsely represents himself or herself to be 18 years of age in order to purchase a ticket. Provides that it is a defense to the application of Subsection (b) if the individual younger than 18 years of age is participating in an inspection or investigation regarding compliance with this section. Provides that, except for as provided by Subsection (f), an offense under Subsection (a) is a Class C misdemeanor. Provides that an offense under Subsection (a) is a Class B misdemeanor if it is shown on the trial of the offense that the defendant has been previously convicted under Subsection (a). Provides that an offense under Subsection (b) is a misdemeanor punishable by a fine not to exceed \$250.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Emergency clause.