

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 253
By: Shapleigh
Criminal Justice
4-19-2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Indian tribes in Texas that have established gaming operations on their reservations have had success in generating revenue for tribes and economies of the surrounding areas. Revenues generated by casinos have enabled tribes to pay off debts, provide housing and social services for tribe members, and reduce unemployment. Currently, federal law recognizes only certain Indian tribes in Texas that are allowed to conduct gaming operations. State law is ambiguous on the issue of gaming. C.S.S.B. 253 clarifies state law by providing a defense to prosecution for a gambling offense for any federally recognized Indian tribe that conducts gaming operations, permissible under the Indian Gaming Regulatory Act, on its tribal lands.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 47.09(a), Penal Code, by providing that it is a defense to prosecution under this chapter that the conduct was authorized under Chapter 2001 (Bingo), Occupations Code, rather than the Bingo Enabling Act (Article 179d, V.T.C.S.); Chapter 2002 (Charitable Raffles), Occupations Code, rather than the Charitable Raffle Enabling Act (Article 179f, V.T.C.S.); or the Texas Racing Act (Article 179e, V.T.C.S.). Provides that it is also a defense to prosecution under this chapter that the conduct consisted entirely of participation in gambling or other gaming activity permitted under the Indian Gaming Regulatory Act (25 U.S.C. Sec. 2701 et seq.), as amended, that is conducted by a federally recognized Indian tribe or tribal organization and conducted on premises designated by the tribe or tribal organization for that activity on land recognized as tribal land by the federal government on January 1, 1999.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Differs from As Filed version in SECTION 1 by changing the date that the federal government recognized tribal land from January 1, 2000, to January 1, 1999.