

BILL ANALYSIS

Senate Research Center

C.S.H.B. 358
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State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Law enforcement officials are tasked with enforcing Texas' existing gambling laws, but are hindered in doing so because offenses related to the illegal use and operation of eight liner machines require cumbersome investigations and costly storing of the machines, which are typically very large and heavy. Prosecutors and peace officers rely on local tax dollars to store and transport these machines.

C.S.H.B. 358 amends current law relating to the seizure of the circuit board of a gambling device or equipment, altered gambling equipment, or gambling paraphernalia.

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 Chapter 18, Code of Criminal Procedure, by adding Article 18.095, as follows:

Art. 18.095. SEIZURE OF CIRCUIT BOARD OF GAMBLING DEVICE, EQUIPMENT, OR PARAPHERNALIA. Authorizes an officer directed under a search warrant to search for and seize a gambling device or equipment, altered gambling equipment, or gambling paraphernalia in the discretion of the officer, for purposes of this chapter, to seize only the programmable main circuit board of the device, equipment, or paraphernalia if that circuit board is designed as a subassembly or essential part of the device, equipment, or paraphernalia to provide the information necessary for the device, equipment, or paraphernalia to operate as a gambling device or equipment, altered gambling equipment, or gambling paraphernalia; carry the circuit board before the magistrate; and retain custody of the circuit board as the property seized pursuant to the warrant as required under this chapter.

SECTION 2. Effective date: September 1, 2009.