

By: Harless

H. B. No. 3583

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to the authority of local law enforcement authorities to  
3 enforce certain laws regulating coin-operated machines; providing  
4 criminal penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 2153.102, Occupations Code, is amended  
7 to read as follows:

8 Sec. 2153.102. INFORMATION MADE AVAILABLE TO COMPTROLLER,  
9 ATTORNEY GENERAL, OR PEACE OFFICER. Except for information  
10 specifically designated as a public record, information derived  
11 from a book, record, report, or application required to be made  
12 available under this chapter to the comptroller, ~~or~~ the attorney  
13 general, or a peace officer:

14 (1) is confidential; and

15 (2) may be used only to enforce this chapter.

16 SECTION 2. Subchapter D, Chapter 2153, Occupations Code, is  
17 amended by adding Section 2153.1595 to read as follows:

1           (b) A person who fails to prominently display the  
2 certificate of occupancy or certificate of compliance as required  
3 under Subsection (a) commits an offense. An offense under this  
4 subsection is a Class B misdemeanor, except that the offense is:

5           (1) a Class A misdemeanor if the person has been  
6 previously convicted one or two times of an offense under this  
7 section; or

8           (2) a state jail felony if the person has been  
9 previously convicted three or more times of an offense under this  
10 section.

11           SECTION 3. Section 2153.351, Occupations Code, is amended  
12 to read as follows:

13           Sec. 2153.351. CONSENT TO ENTRY. (a) Acceptance of a  
14 license or registration certificate constitutes consent that the  
15 comptroller or a peace officer may freely enter the licensed  
16 business premises of the license or registration certificate holder  
17 [~~during normal business hours~~] to ensure compliance with this  
18 chapter:

19           (1) during normal business hours; and

20           (2) at any other time a music or skill or pleasure  
21 coin-operated machine exhibited or displayed at the licensed  
22 business premises is available for use.

23           (b) A person commits an offense if the person knowingly or  
24 intentionally denies or hinders entry to a person authorized to  
25 enter the business premises under this section.

26           (c) An offense under Subsection (b) is a Class A  
27 misdemeanor.

1 SECTION 4. Section 2153.352(a), Occupations Code, is  
2 amended to read as follows:

3 (a) The comptroller, ~~or~~ an authorized representative of  
4 the comptroller, or a peace officer may seal a coin-operated  
5 machine in a manner that prevents the full operation of the machine  
6 if:

7 (1) the license or registration certificate of the  
8 person exhibiting or displaying the machine is suspended or  
9 revoked;

10 (2) the owner fails to pay a tax on the machine; or

11 (3) the machine is not registered with the comptroller  
12 under this chapter.

13 SECTION 5. Section 2153.355(a), Occupations Code, is  
14 amended to read as follows:

15 (a) A person commits an offense if the person:

16 (1) exhibits or displays a coin-operated machine in  
17 this state for which outstanding tax is due;

18 (2) falsifies, fails to maintain, or refuses or fails  
19 to make available to the comptroller, ~~or~~ an authorized  
20 representative of the comptroller, or a peace officer, on request,  
21 records of coin-operated machines that the person is required to  
22 maintain;

23 (3) uses an artful device or deceptive practice in  
24 this state to conceal a violation of this chapter;

25 (4) misleads the comptroller, ~~or~~ an authorized  
26 representative of the comptroller, or a peace officer in connection  
27 with the enforcement of this chapter;

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(5) breaks a seal attached by the comptroller, [or] an authorized representative of the comptroller, or a peace officer under Section 2153.352 without the comptroller's approval;

6 (7) removes a coin-operated machine from the location  
7 where the comptroller or a peace officer affixed a seal to the  
8 machine; or

9 (8) violates this chapter or a rule adopted under this  
10 chapter.

11 SECTION 6. The change in law made by this Act applies only  
12 to an offense committed on or after the effective date of this Act.  
13 An offense committed before the effective date of this Act is  
14 covered by the law in effect when the offense was committed, and the  
15 former law is continued in effect for that purpose. For purposes of  
16 this section, an offense was committed before the effective date of  
17 this Act if any element of the offense was committed before that  
18 date.

19 SECTION 7. This Act takes effect September 1, 2011.