



Senate  
Committee on Intergovernmental Relations

Post Office Box 12068  
Austin, Texas 78711

Senator Ken Armbrister  
Chair

Senator John Leedom  
Vice Chair  
Senator Steve Carriker  
Senator Don Henderson  
Senator Frank Madla, Jr.  
Senator Mike Moncrief  
Senator Jerry Patterson  
Senator Peggy Rosson  
Senator Florence Shapiro  
Senator Jeff Wentworth  
Senator John Whitmire

Brian Jammer  
General Counsel

Maryann Randall  
Committee Clerk

(512) 463-0385  
TDD (512) 475-3758

REC'D  
SEP 13 1993

MBJ

FILE # ML-22236-93

I.D.# 22236

September 10, 1993

The Honorable Dan Morales  
Attorney General  
State of Texas  
Post Office Box 12548  
Austin, Texas 78711

RD-609

Dear General Morales:

An inquiry has been made of my office regarding enactment and application of the new penal code. Of particular interest are laws passed during the same session as the new code, enrolled as Senate Bill 1067, but are not included in the Act.

The 73rd Legislature passed Senate Bill 1067 and Senate Bill 522, relating to the Texas Penal Code definition of a "gambling device". SB 522 amended the penal code definition of "gambling device" to exclude certain "electronic, electromechanical, or mechanical contrivance(s)". Senate Bill 1067 does not address this change and omits that exclusion from the definition. The two bills were enacted by the legislature at approximately the same time, with Senate Bill 522 enrolled on May 31, 1993 and signed by the Governor on June 16, 1993. Senate Bill 1067 was enrolled on May 29, 1993, and signed by the Governor on June 19, 1993.

Please provide an opinion as to whether or not recognizing and applying the exclusions in Senate Bill 522 to the definition of "gambling device", as defined in Senate Bill 1067, will impair or prevent application of the new penal code. I respectfully request a formal opinion from your office regarding this issue. Should you need any further information, please let me know.

Sincerely,

Ken Armbrister, Chairman

KA/bkj