

THE ATTORNEY GENERAL

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Requests for Opinions, Opinions, Open Records Decisions.

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Opinions

Opinion No. KP-0057

The Honorable Myra Crownover
Chair, Committee on Public Health
Texas House of Representatives

Post Office Box 2910

Austin, Texas 78711-2910

Re: The legality of fantasy sports leagues under Texas law (RQ-0071-KP)

S U M M A R Y

Under section 47.02 of the Penal Code, a person commits an offense if he or she makes a bet on the partial or final result of a game or contest or on the performance of a participant in a game or contest. Because the outcome of games in daily fantasy sports leagues depends partially on chance, an individual's payment of a fee to participate in such activities is a bet. Accordingly, a court would likely determine that participation in daily fantasy sports leagues is illegal gambling under section 47.02 of the Penal Code.

Though participating in a traditional fantasy sports league is also illegal gambling under section 47.02, participants in such leagues may avail themselves of a statutory defense to prosecution under section 47.02(b) of the Penal Code when play is in a private place, no person receives any economic benefit other than personal winnings, and the risks of winning or losing are the same for all participants.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-201600213

Amanda Crawford

General Counsel

Office of the Attorney General

Filed: January 19, 2016



Opinions

Opinion No. KP-0055

Dr. Vincent J.M. Di Maio

Presiding Officer

Texas Forensic Science Commission

1700 North Congress Avenue, Suite 445

Austin, Texas 78701

Re: Responsibilities of the Texas Forensic Science Commission under article 39.14 of the Code of Criminal Procedure (RQ-0032-KP)

S U M M A R Y

A court would likely conclude that article 39.14(h) of the Code of Criminal Procedure does not create a duty for the Texas Forensic Science Commission to notify relevant parties of exculpatory, impeachment, or mitigating information.

Given the conclusion that the Commission likely has no notification duties under article 39.14(h), the prosecutor member of the Commission would have a duty to comply with article 39.14 only in his or her capacity as a prosecutor for the state in a particular case.

Opinion No. KP-0056

The Honorable Chris Taylor

Tom Green County Attorney

Criminal Justice Center

122 West Harris

San Angelo, Texas 76903

Re: Whether state law authorizes a municipality to reimburse an appellant for costs incurred in a successful appeal to a zoning board (RQ-0037-KP)

S U M M A R Y

Article III, section 52(a) of the Texas Constitution would likely prohibit a municipality from paying a private party's costs incurred in a successful appeal to a zoning board to the extent that such payment constitutes a gratuitous payment of public funds.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-201600218

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Filed: January 20, 2016

