

Nueces County Game  
Room Ordinance

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**Chief Deputy  
David L Cook**



# Game Room Definition Texas Local Government Code Sec. 234.131

- “Game room” means a for-profit business located in a building or place that contains six or more:
  1. Amusement redemption machines; or
  2. Electronic, electromechanical, or mechanical contrivances that, for consideration, afford a player the opportunity to obtain a prize or thing of value the award of which is determined solely or partially by chance, regardless of whether the contrivance is designed, made, or adopted solely for bona fide amusement purposes.

# If Nueces County Passes A Game Room Ordinance Will Game Rooms Be Legal? Yes and No

- Game rooms that are issued a valid game room permit would be legal if they operated within the confines of Chapter 47 of the Texas Penal Code and they operated within the confines the Nueces County game room ordinance.
- To be legal a machine must be utilized solely for the purpose of amusement and may only reward the player with noncash low value prizes.
- The prizes awarded cannot exceed 10X the amount to play the machine one time or \$5.00 whichever is less.
- The Texas Attorney General has opined that 8 liners that distribute bingo tickets, gift certificates or stored value cards are illegal.

# Texas Local Government Code Section 234.132 and Section 234.133

- **Section 234.132**

Provides that certain Texas Counties can regulate game rooms, Nueces County is permitted to regulate game rooms.

- **Section 234.133**

Provides that the county may;

1. Require that game rooms be permitted.
2. Restrict the location of game rooms to specified areas of the county, including the unincorporated area of the county.
3. Prohibit a game room location within a certain distance, prescribed by the commissioners court, of a school, regular place of religious worship , or a residential neighborhood.
4. Restrict the number of game rooms that may operate in a specified area of the county.

# Counites That Have Passed Game Room Ordinances

- **Caldwell County (Lockhart, Luling, Martindale)**

- a. Passed their ordinance on January 14, 2020
- b. Designated Code Enforcement as the game room administrator.
- c. No one in Code Enforcement knew anything about the ordinance. County Attorney said that they had a ordinance however no applications for permits had been submitted.
- d. The Commissioners Court did not fund any resources for game room enforcement.

- **Bell County (Killen, Temple, Belton, Harker Heights)**

- a. Passed their ordinance on August 18, 2021.
- b. Designated the Fire Marshall as the game room administrator.
- c. The Commissioners Court did not fund any resources for game room enforcement.

# Counties That Have Passed Game Room Ordinances

- **Victoria County**

- a. Passed their ordinance on December 16, 2019
- b. Designated the Sheriff's Office as the game room administrator.
- c. The Commissioners Court did not fund any resources for game room enforcement.
- d. Their Special Crimes Unit conducts enforcement when they are able to do so.

- **Tarrant County (Fort Worth, Arlington, South Lake)**

- a. Ordinance became effective on April 1, 2020.
- b. Designated the Sheriff's Office as the game room administrator.
- c. The Commissioners Court did not fund any resources for game room enforcement, they rely on interlocal agreements with the municipalities. (Forth Worth)
- d. Presently Tarrant County has 50 game rooms, have received 3 applications and issued 1 permit.

# Situation In Nueces County

- On December 7, 2021, CCPD made a presentation to the Corpus Christi City Council
  - a. Advised that since 2015 CCPD had conducted 96 investigations on game rooms and had filed 20 gambling cases. Did not indicate how many convictions had been obtained.
  - b. Recommended that the City defer to the stronger (Class A) County legislative authority.
  - c. Stated that government regulations would ultimately be difficult to enforce because game rooms are constantly evolving.
  - d. Stated that the PD could administer parts of the County regulatory scheme through an interlocal agreement.
  - e. Stated the City would need to be appropriately compensated for the devotion of municipal resources in enforcement of the County game room ordinance.
  - f. Stated that the City had talked to County officials but had not been offered any compensation. The Sheriff has stated that he has had no conversation with the City regarding compensation for enforcing a County game room ordinance.

## Situation In Nueces County

- Not taking Corpus Christi into account there appears to be 6 active game rooms in Nueces County to include 2 located in Robstown.
- CCPD provided me with a list of 67 game rooms within the city limits. However, I was advised that the list was not likely accurate because;
  - a. There is no state, county, or city statute requiring game rooms to register with the City of Corpus Christi.
  - b. The game rooms come and go on a regular basis making them very difficult to keep track of.
  - c. There are likely more game rooms operating in the city limits than they are aware of.
- Upon discussion with CCPD Command Staff personnel it is estimated that there are at least 100 active game rooms within the city limits of Corpus Christi. Five of the game rooms are known to be operated by gang members.

## Situation In Nueces County

- On 11/7/21 NCSO Deputies responded to a game room located at 2924 Cr 93 in reference to a robbery with a weapon. Upon arriving it was determined that there was no robbery however 49 gambling machines were located on the premises and 22 subjects were cited for gambling.
- On 11/25/21 at approximately 04:00 NCSO Deputies responded to 3848 Rachel Ln. Robstown (known game room) for a shooting. The victim encountered a subject trying to break into the location and was shot in the hand.
- On 01/29/22 at approximately 09:00 CCPD units responded to a game room located 2306 Airline Rd. #113 for a robbery with a gun. Upon contact with employees of the establishment (manager, security guard and 2 attendants) they were found to be uncooperative. The manager and security guard were found to be convicted felons, one of the attendants was determined to be 17 yoa, and a loaded Glock firearm was located in the front office. Reports for Robbery, Fail to Identify, and Felon in Possession of a Firearm were generated.
- A federal case was filed on 08/11/20 USA v. Nichols, et al. Defendant Nathan Nichols was charged with 2 counts Conspiracy-Money Laundering-Interstate Commerce and Illegal Gambling. The case has not gone to trial.

# Game Room Ordinance Benefits

- **Would provide much stronger enforcement authority to law enforcement agencies within Nueces County.**
  - a. May charge game room operators with a Class A misdemeanor (maximum of 1 year in jail and a \$4,000 fine) for each violation.
  - b. The County may file for civil injunction to prohibit the violation of the ordinance. Violations can result in up to \$10,000 fine per violation per day. County could also recover attorney fees.
    - a. The County may pursue both criminal charges and civil injunction to seek relief.

# What Would It Take To Be Successful?

- We would need buy in from all county and municipal law enforcement agencies within Nueces County.
- We would need a strong commitment from the District Attorney's Office to aggressively prosecute the criminal cases filed with their office.
- We would need a commitment from the County Attorney's Office to aggressively pursue civil injunctive relief.
- We would need a commitment from the Commissioners Court to adequately fund the office of game room administrator.

# Game Room Ordinance Cost

- **First Year Funding**
  - a. One lieutenant position (game room administrator) - \$52,322 annual salary.
  - b. Four Deputy III positions (inspection and enforcement) - \$44,474 annual salary, is \$177,896 annually.
  - c. Fringe benefit costs all salaries approximately (22.06%) \$50,786. Total cost for salary and benefits first year \$281,004.
  - d. Five units first year cost - \$25,000 per unit for equipment (emergency equipment, computer, video), \$8,000 annual lease. \$33,000 per unit. Total=\$342,000 first year. Each year after \$8,000 per year lease and annual maintenance cost (a majority of maintenance cost are built into the lease agreement).
- **Total cost year one salary, benefits, and equipment = \$446,004**
- **If you pass a game room ordinance and you do not properly fund the office of the game room administrator, you have done nothing more than pass an unfunded mandate and nothing will change, minimal if any enforcement will take place. The Nueces County Sheriff's Office does not presently have the resources to adequately enforce a game room ordinance.**