

As Reported by the Senate Government Oversight and Reform Committee

132nd General Assembly

Regular Session

2017-2018

H. B. No. 32

Representative Seitz

Cosponsors: Representatives Greenspan, Riedel, Hughes, Young, Kent, Bishoff, Blessing, Manning, McColley, Rogers, Miller, Patton, Reece, Retherford, Rezabek, Sheehy, Speaker Rosenberger

Senator Huffman

A BILL

To amend section 3772.99 of the Revised Code to 1
specify that the criminal penalty related to 2
casino operators and employees participating in 3
casino gaming applies at their casino facility 4
or an affiliated casino facility. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3772.99 of the Revised Code be 6
amended to read as follows: 7

Sec. 3772.99. (A) The commission shall levy and collect 8
penalties for noncriminal violations of this chapter. 9
Noncriminal violations include using the term "casino" in any 10
advertisement in regard to a facility operating video lottery 11
terminals, as defined in section 3770.21 of the Revised Code, in 12
this state. Moneys collected from such penalty levies shall be 13
credited to the general revenue fund. 14

(B) If a licensed casino operator, management company, 15

holding company, gaming-related vendor, or key employee violates 16
this chapter or engages in a fraudulent act, the commission may 17
suspend or revoke the license and may do either or both of the 18
following: 19

(1) Suspend, revoke, or restrict the casino gaming 20
operations of a casino operator; 21

(2) Require the removal of a management company, key 22
employee, or discontinuance of services from a gaming-related 23
vendor. 24

(C) The commission shall impose civil penalties against a 25
person who violates this chapter under the penalties adopted by 26
commission rule and reviewed by the joint committee on gaming 27
and wagering. 28

(D) A person who purposely or knowingly does any of the 29
following commits a misdemeanor of the first degree on the first 30
offense and a felony of the fifth degree for a subsequent 31
offense: 32

(1) Makes a false statement on an application submitted 33
under this chapter; 34

(2) Permits a person less than twenty-one years of age to 35
make a wager at a casino facility; 36

(3) Aids, induces, or causes a person less than twenty-one 37
years of age who is not an employee of the casino gaming 38
operation to enter or attempt to enter a casino facility; 39

(4) Enters or attempts to enter a casino facility while 40
under twenty-one years of age, unless the person enters a 41
designated area as described in section 3772.24 of the Revised 42
Code; 43

(5) Is a casino operator or employee and participates in 44
casino gaming at the casino facility at which the casino 45
operator or employee has an interest or is employed or at an 46
affiliated casino facility in this state other than as part of 47
operation or employment. 48

(E) A person who purposely or knowingly does any of the 49
following commits a felony of the fifth degree on a first 50
offense and a felony of the fourth degree for a subsequent 51
offense. If the person is a licensee under this chapter, the 52
commission shall revoke the person's license after the first 53
offense. 54

(1) Uses or possesses with the intent to use a device to 55
assist in projecting the outcome of the casino game, keeping 56
track of the cards played, analyzing the probability of the 57
occurrence of an event relating to the casino game, or analyzing 58
the strategy for playing or betting to be used in the casino 59
game, except as permitted by the commission; 60

(2) Cheats at a casino game; 61

(3) Manufactures, sells, or distributes any cards, chips, 62
dice, game, or device that is intended to be used to violate 63
this chapter; 64

(4) Alters or misrepresents the outcome of a casino game 65
on which wagers have been made after the outcome is made sure 66
but before the outcome is revealed to the players; 67

(5) Places, increases, or decreases a wager on the outcome 68
of a casino game after acquiring knowledge that is not available 69
to all players and concerns the outcome of the casino game that 70
is the subject of the wager; 71

(6) Aids a person in acquiring the knowledge described in 72

division (E) (5) of this section for the purpose of placing, 73
increasing, or decreasing a wager contingent on the outcome of a 74
casino game; 75

(7) Claims, collects, takes, or attempts to claim, 76
collect, or take money or anything of value in or from a casino 77
game with the intent to defraud or without having made a wager 78
contingent on winning a casino game; 79

(8) Claims, collects, or takes an amount of money or thing 80
of value of greater value than the amount won in a casino game; 81

(9) Uses or possesses counterfeit chips, tokens, or 82
cashless wagering instruments in or for use in a casino game; 83

(10) Possesses a key or device designed for opening, 84
entering, or affecting the operation of a casino game, drop box, 85
or an electronic or a mechanical device connected with the 86
casino game or removing coins, tokens, chips, or other contents 87
of a casino game. This division does not apply to a casino 88
operator, management company, or gaming-related vendor or their 89
agents and employees in the course of agency or employment. 90

(11) Possesses materials used to manufacture a device 91
intended to be used in a manner that violates this chapter; 92

(12) Operates a casino gaming operation in which wagering 93
is conducted or is to be conducted in a manner other than the 94
manner required under this chapter or a skill-based amusement 95
machine operation in a manner other than the manner required 96
under Chapter 2915. of the Revised Code. 97

(F) The possession of more than one of the devices 98
described in division (E) (9), (10), or (11) of this section 99
creates a rebuttable presumption that the possessor intended to 100
use the devices for cheating. 101

(G) A person who purposely or knowingly does any of the following commits a felony of the third degree. If the person is a licensee under this chapter, the commission shall revoke the person's license after the first offense. A public servant or party official who is convicted under this division is forever disqualified from holding any public office, employment, or position of trust in this state.

(1) Offers, promises, or gives anything of value or benefit to a person who is connected with the casino operator, management company, holding company, or gaming-related vendor, including their officers and employees, under an agreement to influence or with the intent to influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a casino game or an official action of a commission member, agent, or employee;

(2) Solicits, accepts, or receives a promise of anything of value or benefit while the person is connected with a casino, including an officer or employee of a casino operator, management company, or gaming-related vendor, under an agreement to influence or with the intent to influence the actions of the person to affect or attempt to affect the outcome of a casino game or an official action of a commission member, agent, or employee;

(H) A person who knowingly or intentionally does any of the following while participating in casino gaming or otherwise transacting with a casino facility as permitted by Chapter 3772. of the Revised Code commits a felony of the fifth degree on a first offense and a felony of the fourth degree for a subsequent offense:

(1) Causes or attempts to cause a casino facility to fail

to file a report required under 31 U.S.C. 5313(a) or 5325 or any 132
regulation prescribed thereunder or section 1315.53 of the 133
Revised Code, or to fail to file a report or maintain a record 134
required by an order issued under section 21 of the "Federal 135
Deposit Insurance Act" or section 123 of Pub. L. No. 91-508; 136

(2) Causes or attempts to cause a casino facility to file 137
a report required under 31 U.S.C. 5313(a) or 5325 or any 138
regulation prescribed thereunder or section 1315.53 of the 139
Revised Code, to file a report or to maintain a record required 140
by any order issued under 31 U.S.C. 5326, or to maintain a 141
record required under any regulation prescribed under section 21 142
of the "Federal Deposit Insurance Act" or section 123 of Pub. L. 143
No. 91-508 that contains a material omission or misstatement of 144
fact; 145

(3) With one or more casino facilities, structures a 146
transaction, is complicit in structuring a transaction, attempts 147
to structure a transaction, or is complicit in an attempt to 148
structure a transaction. 149

(I) A person who is convicted of a felony described in 150
this chapter may be barred for life from entering a casino 151
facility by the commission. 152

(J) As used in division (H) of this section: 153

(1) To be "complicit" means to engage in any conduct of a 154
type described in divisions (A) (1) to (4) of section 2923.03 of 155
the Revised Code. 156

(2) "Structure a transaction" has the same meaning as in 157
section 1315.51 of the Revised Code. 158

(K) Premises used or occupied in violation of division (E) 159
(12) of this section constitute a nuisance subject to abatement 160

under Chapter 3767. of the Revised Code. 161

Section 2. That existing section 3772.99 of the Revised 162
Code is hereby repealed. 163