

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1621 Session of
2015

INTRODUCED BY GINGRICH, HELM, BAKER, MILNE, SAYLOR AND
YOUNGBLOOD, OCTOBER 15, 2015

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, OCTOBER 15, 2015

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in sports and amusements, providing
3 for underage persons in licensed facilities and for underage
4 gambling; and making an inconsistent repeal.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding sections to read:

9 § 7108. Underage persons in licensed facilities.

10 (a) Offense defined.--A person commits a summary offense if
11 the person, being under 21 years of age, enters and remains in
12 any area of a licensed facility where slot machines are operated
13 or the play of table games in conducted.

14 (b) Exception.--A person 18 to 21 years of age who is
15 employed by a slot machine licensee, a gaming service provider,
16 the board or any other regulatory or emergency response agency
17 may enter and remain in any area of a licensed facility while
18 acting within the scope of the person's employment or volunteer
19 duties.

1 (c) Diversionary program.--The magisterial district judge or
2 any judicial authority with jurisdiction over the violation
3 shall give first consideration to referring a person charged
4 with a violation of subsection (a) to a diversionary program
5 under 42 Pa.C.S. § 1520 (relating to adjudication alternative
6 program) and the Pennsylvania Rules of Criminal Procedure. As
7 part of the diversionary program, the magisterial district judge
8 or any judicial authority with jurisdiction over the violation
9 may order the person to participate in a counseling or treatment
10 program for problem gambling. The program shall be administered
11 by the single county authority created pursuant to the act of
12 April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug
13 and Alcohol Abuse Control Act, or its designee. Upon completion
14 of the program, the single county authority shall report to the
15 magisterial district judge or the judicial authority with
16 jurisdiction over the violation. If the person successfully
17 completes the diversionary program, the court shall order that
18 the person's records of the charge of violating this section be
19 expunged as provided for under section 9122 (relating to
20 expungement).

21 (d) Penalties.--A person convicted of an offense under
22 subsection (a) shall be sentenced as follows:

23 (1) For a first offense, to pay a fine of not more than
24 \$250.

25 (2) For a second offense, to pay a fine of not more than
26 \$500 and perform not less than 20 hours of community service.

27 (3) For a third or subsequent offense, to pay a fine of
28 not more than \$1,000 and perform not less than 50 hours of
29 community service.

30 (e) Duties of board.--The board shall place the name of a

1 person convicted of an offense under section (a) on the
2 exclusion list established by the board under 4 Pa.C.S. § 1514
3 (relating to regulation requiring exclusion or ejection of
4 certain persons) for the following time periods:

5 (1) For a first offense, a minimum of six months
6 commencing on the date the individual reaches 21 years of
7 age.

8 (2) For a second offense, a minimum of one year
9 commencing on the date the individual reaches 21 years of
10 age.

11 (3) For a third or subsequent offense, a minimum of two
12 years commencing on the date the individual reaches 21 years
13 of age.

14 A person placed on the exclusion list under this section may not
15 petition the board for removal from the list until the
16 expiration of the exclusion period.

17 (f) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection unless the context clearly indicates otherwise:

20 "Board." The Pennsylvania Gaming Control Board established
21 under 4 Pa.C.S. § 1201 (relating to Pennsylvania Gaming Control
22 Board established).

23 "Licensed facility." As defined in 4 Pa.C.S. § 1103
24 (relating to definitions).

25 "Slot machine." As defined in 4 Pa.C.S. § 1103 (relating to
26 definitions).

27 "Table game." As defined in 4 Pa.C.S. § 1103 (relating to
28 definitions).

29 § 7109. Underage gambling.

30 (a) Offense defined.--A person commits a summary offense if

1 the person, being under 21 years of age, wagers, plays or
2 attempts to wager or play a slot machine or table game at a
3 licensed facility.

4 (b) Diversionary program.--The magisterial district judge or
5 any judicial authority with jurisdiction over the violation
6 shall give first consideration to referring a person charged
7 with a violation of subsection (a) to a diversionary program
8 under 42 Pa.C.S. § 1520 (relating to adjudication alternative
9 program) and the Pennsylvania Rules of Criminal Procedure. As
10 part of the diversionary program, the magisterial district judge
11 or any judicial authority with jurisdiction over the violation
12 may order the person to participate in a counseling or treatment
13 program for problem gambling. The program shall be administered
14 by a single county authority created pursuant to the act of
15 April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug
16 and Alcohol Abuse Control Act, or its designee. Upon completion
17 of the program, the single county authority shall report to the
18 magisterial district judge or the judicial authority with
19 jurisdiction over the violation. If the person successfully
20 completes the diversionary program, the court shall order that
21 the person's records of the charge of violating this section be
22 expunged as provided for under section 9122 (relating to
23 expungement).

24 (c) Penalty.--A person convicted of an offense under
25 subsection (a) shall be sentenced as follows:

26 (1) For a first offense, to pay a fine of not more than
27 \$500.

28 (2) For a second offense, to pay a fine of not more than
29 \$1,000 and perform not less than 40 hours of community
30 service.

1 (3) For a third or subsequent offense, to pay a fine of
2 not more than \$2,000 and perform not less than 100 hours of
3 community service.

4 (d) Duties of board.--The board shall place the name of an
5 individual convicted of an offense under subsection (a) on the
6 exclusion list established by the board under 4 Pa.C.S. § 1514
7 (relating to regulation requiring exclusion or ejection of
8 certain persons) for the following time periods:

9 (1) For a first offense, a minimum of one year
10 commencing on the date the individual reaches 21 years of
11 age.

12 (2) For a second offense, a minimum of two years
13 commencing on the date the individual reaches 21 years of
14 age.

15 (3) For a third or subsequent offense, a minimum of five
16 years commencing on the date the individual reaches 21 years
17 of age.

18 A person placed on the exclusion list under this section may not
19 petition the board for removal from the list until the
20 expiration of the exclusion period.

21 (e) Forfeiture.--Any winnings received by a person from a
22 wager or play at a licensed facility shall be subject to
23 forfeiture to the General Fund and the person shall not have a
24 property right in the winnings.

25 (f) Definitions.--As used in this section, the following
26 words and phrases shall have the meanings given to them in this
27 subsection unless the context clearly indicates otherwise:

28 "Board." The Pennsylvania Gaming Control Board established
29 under 4 Pa.C.S. § 1201 (relating to Pennsylvania Gaming Control
30 Board established).

1 "Licensed facility." As defined in 4 Pa.C.S. § 1103
2 (relating to definitions).

3 "Slot machine." As defined in 4 Pa.C.S. § 1103 (relating to
4 definitions).

5 "Table game." As defined in 4 Pa.C.S. § 1103 (relating to
6 definitions).

7 Section 2. The provisions of 4 Pa.C.S. § 1518(b)(3) are
8 repealed insofar as they are inconsistent with this act.

9 Section 3. This act shall take effect in 60 days.