

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 120 Session of 2011

INTRODUCED BY M. O'BRIEN, SCHRODER, YOUNGBLOOD, CLYMER, CALTAGIRONE, COHEN, DALEY, DeLUCA, GOODMAN, KIRKLAND, MURT, READSHAW, STERN, SWANGER, TALLMAN, TAYLOR, THOMAS, VULAKOVICH AND WAGNER, OCTOBER 12, 2011

AS REPORTED FROM COMMITTEE ON GAMING OVERSIGHT, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 2, 2011

AN ACT

1 Amending Title 4 (Amusements) of the Pennsylvania Consolidated
2 Statutes, further providing for prohibited acts and
3 penalties.

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

6 Section 1. ~~Section 1518(b)(1) of Title 4 of the Pennsylvania~~ ←
7 ~~Consolidated Statutes is amended and subsections (a) and (b) are~~
8 ~~amended by adding paragraphs to read:~~

9 SECTION 1. SECTION 1518(B)(1) OF TITLE 4 OF THE PENNSYLVANIA ←
10 CONSOLIDATED STATUTES IS AMENDED, SUBSECTION (A) IS AMENDED BY
11 ADDING A PARAGRAPH AND SUBSECTION (C)(1) IS AMENDED BY ADDING A
12 SUBPARAGRAPH TO READ:

13 § 1518. Prohibited acts; penalties.

14 (a) Criminal offenses.--

15 * * *

16 (18) It NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IT ←
17 shall be unlawful for an individual driving or in charge of a

1 motor vehicle to permit a child under 14 years of age to
2 remain unattended in the vehicle if the vehicle is located on
3 property owned, leased or controlled by a licensed facility ←
4 GAMING ENTITY or its affiliate, intermediary, subsidiary or ←
5 holding company. In addition to the penalties in subsection
6 (b), the individual shall be subject to exclusion or ejection
7 from licensed facilities under sections 1514 (relating to
8 regulation requiring exclusion or ejection of certain
9 persons) and 1515 (relating to repeat offenders excludable
10 from licensed gaming facility). Notwithstanding any of the
11 provisions of 18 Pa.C.S. Ch. 91 (relating to criminal history
12 record information), the chief law enforcement officer of THE ←
13 jurisdiction in which the vehicle is located shall be
14 responsible for providing written notice of the violation
15 within 48 hours to the director of the county children and
16 youth service agency of the county where the individual
17 resides. The notice shall contain:

18 (i) The name of the individual charged under this
19 section.

20 (ii) The address or addresses at which the
21 individual resides.

22 (iii) The name of the child.

23 ~~(19) It shall be unlawful for a licensed gaming entity~~ ←
24 ~~to fail to report violations under paragraph (18) to~~
25 ~~appropriate law enforcement personnel.~~

26 (b) Criminal penalties and fines.--

27 (1) (i) A person that commits a first offense in
28 violation of 18 Pa.C.S. § 4902, 4903 or 4904 in
29 connection with providing information or making any
30 statement, whether written or oral, to the board, the

1 bureau, the department, the Pennsylvania State Police,
2 the Office of Attorney General or a district attorney as
3 required by this part commits an offense to be graded in
4 accordance with the applicable section violated. A person
5 that is convicted of a second or subsequent violation of
6 18 Pa.C.S. § 4902, 4903 or 4904 in connection with
7 providing information or making any statement, whether
8 written or oral, to the board, the bureau, the
9 department, the Pennsylvania State Police, the Office of
10 Attorney General or a district attorney as required by
11 this part commits a felony of the second degree.

12 (ii) A person that violates subsection (a)(2)
13 through (12) or (17) commits a misdemeanor of the first
14 degree. A person that is convicted of a second or
15 subsequent violation of subsection (a)(2) through (12) or
16 (17) commits a felony of the second degree.

17 (iii) A person that violates subsection (a)(18)
18 commits a misdemeanor of the third degree. A person that
19 is convicted of a second or subsequent violation of
20 subsection (a)(18) commits a misdemeanor of the second
21 degree.

22 * * *

23 ~~(5) (i) For a first violation of subsection (a)(19), a~~ ←
24 ~~licensed gaming entity shall be sentenced to pay a fine~~
25 ~~of not less than \$75,000 nor more than \$150,000.~~

26 ~~(ii) For a second or subsequent violation of~~
27 ~~subsection (a)(19), a licensed gaming entity shall be~~
28 ~~sentenced to pay a fine of not less than \$150,000 nor~~
29 ~~more than \$300,000.~~

30 (C) BOARD-IMPOSED ADMINISTRATIVE SANCTIONS.-- ←

1 (1) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW,
2 THE BOARD MAY IMPOSE WITHOUT LIMITATION THE FOLLOWING
3 SANCTIONS UPON ANY LICENSEE OR PERMITTEE:

4 * * *

5 (X) ASSESS A FINE FOR FAILURE TO REPORT A VIOLATION
6 UNDER SUBSECTION (A) (18), OF WHICH THE LICENSED GAMING
7 ENTITY KNEW OR SHOULD HAVE KNOWN, TO THE APPROPRIATE LAW
8 ENFORCEMENT AUTHORITY. THE AMOUNT OF THE FINE SHALL BE
9 NOT LESS THAN \$75,000 NOR MORE THAN \$150,000 FOR A FIRST
10 VIOLATION OF THIS SUBPARAGRAPH, AND NOT LESS THAN
11 \$150,000 NOR MORE THAN \$300,000 FOR A SECOND OR
12 SUBSEQUENT VIOLATION OF THIS SUBPARAGRAPH.

13 * * *

14 Section 2. This act shall take effect in 60 days.