

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2535 Session of  
2008

INTRODUCED BY JAMES, DeWEESE, McCALL, HARPER, MELIO, YOUNGBLOOD,  
SIPTROTH, CALTAGIRONE, PALLONE, GOODMAN, McILHATTAN, CLYMER,  
KIRKLAND, JOSEPHS, WILLIAMS AND WATERS, MAY 14, 2008

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, MAY 14, 2008

AN ACT

1 Amending the act of October 15, 1980 (P.L.950, No.164), entitled  
2 "A supplement to the act of April 9, 1929 (P.L.177, No.175),  
3 entitled 'An act providing for and reorganizing the conduct  
4 of the executive and administrative work of the Commonwealth  
5 by the Executive Department thereof and the administrative  
6 departments, boards, commissions, and officers thereof,  
7 including the boards of trustees of State Normal Schools, or  
8 Teachers Colleges; abolishing, creating, reorganizing or  
9 authorizing the reorganization of certain administrative  
10 departments, boards, and commissions; defining the powers and  
11 duties of the Governor and other executive and administrative  
12 officers, and of the several administrative departments,  
13 boards, commissions, and officers; fixing the salaries of the  
14 Governor, Lieutenant Governor, and certain other executive  
15 and administrative officers; providing for the appointment of  
16 certain administrative officers, and of all deputies and  
17 other assistants and employees in certain departments, boards,  
18 and commissions; and prescribing the manner in which the  
19 number and compensation of the deputies and all other  
20 assistants and employees of certain departments, boards and  
21 commissions shall be determined,' implementing the addition  
22 of section 4.1 to Article IV of the Constitution of  
23 Pennsylvania; establishing the Office of Attorney General  
24 elected by the citizens and setting forth powers and duties  
25 of the Attorney General; creating an Office of General  
26 Counsel and providing for legal services for Commonwealth  
27 agencies; transferring, reorganizing or reconstituting  
28 certain boards, commissions and agencies; placing certain  
29 duties upon the courts and district attorneys; repealing  
30 certain acts and parts of acts and making appropriations,"  
31 further providing for legal advice and civil matters.

32 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 204 of the act of October 15, 1980  
3 (P.L.950, No.164), known as the Commonwealth Attorneys Act, is  
4 amended by adding subsections to read:

5 Section 204. Legal advice and civil matters.

6 \* \* \*

7 (g) Assistance and cooperation; Pennsylvania Gaming Control  
8 Board.--

9 (1) The Attorney General is hereby authorized and  
10 directed to assist the Pennsylvania Gaming Control Board in  
11 determining the suitability of applicants for a license  
12 approved and issued under the applicable provisions of 4  
13 Pa.C.S. Part II (relating to gaming). The authority conveyed  
14 to the Attorney General under this subsection shall be  
15 limited to the certification of criminal history record  
16 suitability of applicants for a license through the conduct  
17 of criminal history record investigations.

18 (2) Upon receipt of a completed application for a  
19 license, the Pennsylvania Gaming Control Board shall transmit  
20 to the Office of Attorney General a copy of all application  
21 materials, including fingerprint cards, current photograph  
22 and such release information, signed waivers and other  
23 completed and executed forms as may have been obtained by the  
24 Pennsylvania Gaming Control Board. The Pennsylvania Gaming  
25 Control Board shall provide the Office of Attorney General  
26 with any additional information which may be needed to assist  
27 in its criminal history record investigation. The Attorney  
28 General and the Pennsylvania Gaming Control Board shall  
29 cooperate in:

30 (i) Developing standard forms for the conduct of

1 criminal history record investigations and the  
2 certification of objection or nonobjection to the  
3 issuance of a license.

4 (ii) Sharing of as much applicant information as  
5 possible, both to maximize investigative efficiency and  
6 thoroughness and to minimize investigative costs.

7 (iii) Facilitating the conduct of criminal history  
8 record investigations of applicant for a license.

9 (iv) Developing procedures to govern the secure  
10 transmittal of application materials and other applicant  
11 information.

12 (3) Upon receipt of the completed license application  
13 information from the Pennsylvania Gaming Control Board, the  
14 Office of Attorney General shall conduct a criminal history  
15 record investigation to determine whether the applicant is  
16 suitable to be licensed in accordance with the standards set  
17 forth in 4 Pa.C.S. Ch. 13 (relating to licensees).

18 (4) Upon completion of the necessary criminal history  
19 record investigation, the Office of Attorney General shall  
20 issue a notice of nonobjection to the Pennsylvania Gaming  
21 Control Board certifying that the Commonwealth has no  
22 objection to the issuance of a license to the applicant or a  
23 notice of objection certifying that the Commonwealth opposes  
24 the issuance of a license to that applicant. The notice of  
25 nonobjection or objection shall be issued by the Office of  
26 Attorney General within 45 days of the initial receipt of the  
27 application information from the Pennsylvania Gaming Control  
28 Board.

29 (5) If a notice of objection is issued, a statement  
30 setting forth the grounds for the objection shall be

1 forwarded to the Pennsylvania Gaming Control Board together  
2 with a summary of the information upon which the objection to  
3 certification of suitability was based, unless dissemination  
4 of the information would violate a confidentiality agreement,  
5 compromise a pending criminal investigation or be prohibited  
6 by law.

7 (6) Any objection to the issuance of a license by the  
8 Office of Attorney General shall be made in good faith and  
9 without prejudice, and the objection shall be given prompt  
10 and thorough consideration in good faith by the Pennsylvania  
11 Gaming Control Board. Nothing in this subsection shall be  
12 construed to accomplish the following:

13 (i) To prevent the Pennsylvania Gaming Control Board  
14 at any time from suspending or revoking a license.

15 (ii) To prevent an applicant or a representative of  
16 an applicant from requesting a review of the applicant's  
17 criminal history record information to determine  
18 correctness.

19 (iii) To impinge the right of an applicant to  
20 request a hearing in accordance with 2 Pa.C.S. (relating  
21 to administrative law and procedure).

22 (7) To ensure the continuous integrity of gaming in this  
23 Commonwealth, it shall be the power and duty of the  
24 Pennsylvania Gaming Control Board and the Attorney General to  
25 continue to observe the conduct of all licensees and other  
26 persons having a material involvement, directly or  
27 indirectly, with any licensee or other person or any  
28 subsidiary, affiliate, intermediary or holding company of the  
29 licensee or other person to ensure that a license is not  
30 issued to or held by, nor is there any material involvement,

1 directly or indirectly, with a licensee or other person or  
2 any affiliate, subsidiary, intermediary or holding company of  
3 the licensee or other person by unqualified, disqualified or  
4 unsuitable persons. If, at any time, the Office of Attorney  
5 General would become aware of information that would  
6 constitute good cause to deny, suspend or revoke a license,  
7 it shall convey that information to the Pennsylvania Gaming  
8 Control Board promptly and may request that the Pennsylvania  
9 Gaming Control Board take appropriate action as to that  
10 person.

11 (h) Definitions.--As used in this section, the following  
12 words and phrases shall have the meanings given to them in this  
13 subsection:

14 "Criminal history record information." Information collected  
15 by criminal justice agencies concerning a person and arising  
16 from the initiation of a criminal proceeding, consisting of  
17 identifiable descriptions, dates and notations of arrests,  
18 indictments, information or other formal criminal charges and  
19 dispositions arising therefrom. The term shall include  
20 investigative information and intelligence information.

21 "Criminal history record investigation." An investigation of  
22 criminal history record information collected by criminal  
23 justice agencies concerning a person and stored in the central  
24 repository of the Pennsylvania State Police, the National Crime  
25 Information Center (NCIC) or other such Federal or other states'  
26 computerized repositories.

27 "Intelligence information." Information concerning the  
28 habits, practices, characteristics, possessions or associations  
29 of any individual compiled in an effort to anticipate, prevent,  
30 monitor, investigate or prosecute criminal activity. The term

1 shall include information on the possession, selling, obtaining  
2 or using a controlled substance as defined in the act of April  
3 14, 1972 (P.L.233, No.64), known as "The Controlled Substance,  
4 Drug, Device and Cosmetic Act."

5 "Investigative information." Information assembled as a  
6 result of the performance of any inquiry, formal or informal,  
7 into a criminal incident or an allegation of criminal wrongdoing  
8 and may include modus operandi information.

9 "License." The whole or any part of any approval,  
10 qualification or similar form of permission issued by the Gaming  
11 Control Board pursuant to 4 Pa.C.S. §§ 1301 (relating to  
12 authorized slot machine licenses), 1311.1 (relating to licensing  
13 of principals), 1311.2 (relating to licensing of key employees),  
14 1315 (relating to conditional Category 1 license), 1317  
15 (relating to supplier licenses) and 1317.1 (relating to  
16 manufacturer licenses) or any other similar form of permission,  
17 approval or qualification issued pursuant to the applicable  
18 provisions of 4 Pa.C.S. Pt. II (relating to gaming), as may be  
19 determined at its discretion on a case-by-case basis by the  
20 Pennsylvania Gaming Control Board.

21 Section 2. This act shall take effect immediately.