
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1407 Session of
2019

INTRODUCED BY HAHN, DUNBAR, DeLUCA AND NEILSON, MAY 6, 2019

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, MAY 6, 2019

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in riot, disorderly conduct and
3 related offenses, further providing for gambling devices,
4 gambling, etc.

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

7 Section 1. Section 5513(a), (b) and (e.1) of Title 18 of the
8 Pennsylvania Consolidated Statutes are amended, subsection (f)
9 is amended by adding definitions and the section is amended by
10 adding subsections to read:

11 § 5513. Gambling devices, gambling, etc.

12 (a) Offense defined.--A person is guilty of a misdemeanor of
13 the first degree if he:

14 (1) intentionally or knowingly makes, assembles, sets
15 up, maintains, sells, lends, leases, gives away, or offers
16 for sale, loan, lease or gift, any punch board, drawing
17 card[, slot machine] or any device to be used for gambling
18 purposes, except playing cards;

19 (2) allows persons to collect and assemble for the

1 purpose of unlawful gambling at any place under his control;

2 (3) solicits or invites any person to visit any unlawful
3 gambling place for the purpose of gambling; or

4 (4) being the owner, tenant, lessee or occupant of any
5 premises, knowingly permits or suffers the same, or any part
6 thereof, to be used for the purpose of unlawful gambling.

7 This subsection does not apply to slot machines.

8 * * *

9 (a.2) Slot machines.--A person commits an offense if he:

10 (1) intentionally or knowingly makes, assembles, sets
11 up, maintains, sells, lends, leases, gives away or offers for
12 sale, loan, lease or gift any slot machine;

13 (2) allows persons to collect and assemble for the
14 purpose of gambling with a slot machine at any place under
15 his control;

16 (3) solicits or invites any person to visit any unlawful
17 gambling place for the purpose of gambling with a slot
18 machine; or

19 (4) being the owner, tenant, lessee or occupant of any
20 premises, knowingly permits or suffers the same, or any part
21 thereof, to be used for the purpose of gambling with a slot
22 machine.

23 (a.3) Slot machine penalties.--A person who violates
24 subsection (a.2):

25 (1) For a first offense, commits a misdemeanor of the
26 first degree and shall, upon conviction, be sentenced to a
27 fine of not less than \$5,000.

28 (2) For a second offense, commits a misdemeanor of the
29 first degree and shall, upon conviction, be sentenced to a
30 fine of not less than \$10,000.

1 (3) For a third or subsequent offense, commits a felony
2 of the third degree and shall, upon conviction, be sentenced
3 to a fine of not less than \$15,000 and, at the discretion of
4 the court, an additional fine of not more than \$1,000 per day
5 for each slot machine used for the purpose of gambling.

6 (a.4) Separate offenses.--For purposes of the criminal
7 penalties and fines established under subsection (a.3), the
8 prohibited activity specified in subsection (a.2)(2), (3) and
9 (4) as it applies to each slot machine shall not be deemed a
10 separate offense unless the prohibited activity occurs on more
11 than one day or more than one location.

12 (b) Confiscation of gambling devices and slot machines.--Any
13 gambling device or slot machine possessed or used in violation
14 of the provisions of subsection (a) or (a.2) shall be seized and
15 forfeited to the Commonwealth. The forfeiture shall be conducted
16 in accordance with 42 Pa.C.S. §§ 5803 (relating to asset
17 forfeiture), 5805 (relating to forfeiture procedure), 5806
18 (relating to motion for return of property), 5807 (relating to
19 restrictions on use), 5807.1 (relating to prohibition on
20 adoptive seizures) and 5808 (relating to exceptions).

21 * * *

22 [(e.1) Construction.--Nothing in this section shall be
23 construed to prohibit any activity that is lawfully conducted
24 under any of the following:

25 (1) The act of August 26, 1971 (P.L.351, No.91), known
26 as the State Lottery Law.

27 (2) The act of July 10, 1981 (P.L.214, No.67), known as
28 the Bingo Law.

29 (3) The act of December 19, 1988 (P.L.1262, No.156),
30 known as the Local Option Small Games of Chance Act.

1 (4) 4 Pa.C.S. (relating to amusements).]

2 (e.2) Construction.--

3 (1) Nothing in this section shall be construed to
4 prohibit any activity that is lawfully conducted under any of
5 the following:

6 (i) The act of August 26, 1971 (P.L.351, No.91),
7 known as the State Lottery Law.

8 (ii) The act of July 10, 1981 (P.L.214, No.67),
9 known as the Bingo Law.

10 (iii) The act of December 19, 1988 (P.L.1262,
11 No.156), known as the Local Option Small Games of Chance
12 Act.

13 (iv) 4 Pa.C.S. (relating to amusements).

14 (2) Nothing in this section shall be construed to make
15 lawful any activity prohibited under the act of April 12,
16 1951 (P.L.90, No.21), known as the Liquor Code.

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

20 "Amusement game." A mechanical, electrical or computerized
21 contrivance, terminal, machine or other device that requires the
22 insertion of a coin, currency, token or similar object to play
23 or activate a game and meets all of the following criteria:

24 (1) The outcome of the game is predominantly and
25 primarily determined by the skill of the player.

26 (2) Winning the game entitles the player to noncash
27 prizes, including gift cards or gift certificates that may
28 not be redeemable for cash, and the value of the noncash
29 prize does not exceed the cost of playing the game or the
30 total aggregate cost of playing multiple games.

1 * * *

2 "Gift card." As follows:

3 (1) Plastic cards or other electronic payment devices
4 which are:

5 (i) usable and honored upon presentation at a single
6 merchant or an affiliated group of merchants that share
7 the same name, mark or logo, or usable at multiple,
8 unaffiliated merchants or service providers for the
9 future purchase or delivery of any goods or services; and

10 (ii) issued in a specified prepaid amount and may
11 not be increased in value or reloaded.

12 (2) The term shall not include general use prepaid cards
13 or debit cards linked to a deposit account.

14 "Gift certificate." As follows:

15 (1) A written promise which is:

16 (i) usable and honored upon presentation at a single
17 merchant or an affiliated group of merchants that share
18 the same name, mark or logo, or usable at multiple,
19 unaffiliated merchants or service providers for the
20 future purchase or delivery of any goods or services; and

21 (ii) issued in a specific prepaid amount and may not
22 be increased in value or reloaded.

23 (2) The term shall not include general use prepaid cards
24 or debit cards linked to a deposit account.

25 * * *

26 "Skill." The knowledge, dexterity, adroitness, acumen or
27 other mental or physical ability of an individual.

28 "Skill-based contest." A competitive event amongst two or
29 more individuals or teams whereby individuals or teams compete
30 against each other in one or more games utilizing electronic,

1 computerized or mechanical devices, including, but not limited
2 to, personal computers and home video game consoles, and meets
3 all of the following criteria:

4 (1) Winning individuals or teams are determined solely
5 by the skill of individuals or teams relative to the skill of
6 other individuals or teams competing in the competitive
7 event.

8 (2) Elements of chance do not affect or have a de
9 minimis effect on the outcome of the game utilized in the
10 competitive event.

11 (3) One or more winning individuals or teams are awarded
12 a prize, including, cash that may exceed the cost of any
13 consideration paid for entry into the competitive event.

14 (4) The electronic or mechanical device utilized in the
15 competitive event is not a device or game that may only be
16 operated lawfully by a person with the required authorization
17 under 4 Pa.C.S.

18 "Slot machine."

19 (1) A mechanical, electrical or computerized
20 contrivance, terminal, machine or other device which:

21 (i) is used to play or operate a game upon insertion
22 of a coin, bill, ticket, token or similar object therein
23 or upon payment of any consideration whatsoever,
24 including the use of any electronic payment system;

25 (ii) winning outcomes are determined by the player's
26 skill or application of the element of chance or both;
27 and

28 (iii) awards a winning individual, directly or
29 indirectly, cash, merchandise or anything of value for
30 playing or operating the game.

1 (2) The term shall not include an antique slot machine
2 under subsection (c), an amusement game or a device used in a
3 skill-based contest.

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