

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1444 Session of
1995

INTRODUCED BY HANNA, BOSCOLA, BELFANTI AND TRELLO,
APRIL 25, 1995

REFERRED TO COMMITTEE ON FINANCE, APRIL 25, 1995

AN ACT

1 Amending the act of December 19, 1988 (P.L.1262, No.156),
2 entitled, as amended, "An act providing for the licensing of
3 eligible organizations to conduct games of chance, for the
4 licensing of persons to distribute games of chance, for the
5 registration of manufacturers of games of chance, and for
6 suspensions and revocations of licenses and permits;
7 requiring records; providing for local referendum by
8 electorate; and prescribing penalties," further providing for
9 definitions and eligible organizations.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 2 of the act of December 19, 1988
13 (P.L.1262, No.156), known as the Local Option Small Games of
14 Chance Act, is repealed.

15 Section 2. The definitions of "eligible organizations" and
16 "public interest purposes" in section 3 of the act are amended
17 and the section is amended by adding a definition to read:

18 Section 3. Definitions.

19 The following words and phrases when used in this act shall
20 have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

1 * * *

2 "Commercial establishment." An establishment organized for
3 profit.

4 * * *

5 "Eligible organizations." [Includes] The term includes
6 commercial establishments and qualifying nonprofit charitable,
7 religious, fraternal and veterans organizations, clubs and civic
8 and service associations as defined by this act. In order to
9 qualify as an eligible organization for purposes of this act, an
10 organization shall have been in existence and fulfilling its
11 purposes for one year prior to the date of application for a
12 license.

13 * * *

14 ["Public interest purposes." One or more of the following:

15 (1) Benefiting persons by enhancing their opportunity
16 for religious or education advancement, by relieving or
17 protecting them from disease, suffering or distress, by
18 contributing to their physical, emotional or social well-
19 being, by assisting them in establishing themselves in life
20 as worthy and useful citizens or by increasing their
21 comprehension of and devotion to the principles upon which
22 this nation was founded.

23 (2) Initiating, performing or fostering worthy public
24 works or enabling or furthering the erection or maintenance
25 of public structures.

26 (3) Lessening the burdens borne by government or
27 voluntarily supporting, augmenting or supplementing services
28 which government would normally render to the people.

29 (4) Improving, expanding, maintaining or repairing real
30 property owned or leased by an eligible organization and used

1 for purposes specified in paragraphs (1), (2) and (3).

2 The term does not include the erection or acquisition of any
3 real property, unless the property will be used exclusively for
4 one or more of the purposes specified in this definition.]

5 * * *

6 Section 3. Sections 4 and 12(a) of the act, amended December
7 19, 1990 (P.L.812, No.195), are amended to read:

8 Section 4. Games of chance permitted.

9 Every eligible organization to which a license has been
10 issued under the provisions of this act may conduct games of
11 chance [for the purpose of raising funds for public interest
12 purposes. All proceeds of games of chance shall be used
13 exclusively for public interest purposes or for the purchase of
14 games of chance as permitted by this act].

15 Section 12. Revocation of licenses.

16 (a) Grounds.--The licensing authority shall revoke or refuse
17 to renew the license of any eligible organization whenever the
18 district attorney finds upon complaint and investigation that:

19 [(1) Any of the funds derived from the operation of
20 games of chance are used for any purpose other than for
21 public interest purposes or for the purchase of games of
22 chance as permitted by this act.]

23 (2) Any person under 18 years of age is operating or
24 playing games of chance as defined in this act.

25 (3) The eligible organization has permitted any person
26 who has been convicted of a felony in a Federal or State
27 court within the past five years or has been convicted in a
28 Federal or State court within the past ten years of a
29 violation of the act of July 10, 1981 (P.L.214, No.67), known
30 as the Bingo Law, or of this act, to manage, set up,

1 supervise or participate in the operation of games of chance.

2 (4) The facility in which the games of chance are played
3 does not have adequate means of ingress and egress and does
4 not have adequate sanitary facilities available in the area.

5 (5) Any person or persons other than a manager, officer,
6 director, bar personnel or a bona fide member of an eligible
7 organization have been involved in managing, setting up,
8 operating or running games of chance.

9 (6) Any person has received compensation for conducting
10 games of chance.

11 (7) Any prize has been awarded in excess of the limits
12 permitted under this act.

13 (8) The eligible organization has violated any condition
14 of a special permit issued pursuant to section 11.

15 (9) The eligible organization conducts the games of
16 chance under a lease which calls for:

17 (i) leasing such premises from the owner thereof
18 under an oral agreement; or

19 (ii) leasing such premises from the owner thereof
20 under a written agreement at a rental which is determined
21 by the amount of receipts realized from the playing of
22 games of chance.

23 (10) False or erroneous information was provided in the
24 original application.

25 (11) An eligible organization has been convicted of a
26 violation of this act as evidenced by a certified record of
27 the conviction.

28 (12) The eligible organization has permitted another
29 eligible organization to conduct small games of chance on its
30 licensed premises without suspending its own operation of

1 small games of chance during the period that the other
2 licensed eligible organization is conducting its games on the
3 premises.

4 * * *

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