
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1834 Session of
1985

INTRODUCED BY BELFANTI, PETRARCA, DOMBROWSKI, TRELLO, PERZEL,
MANDERINO, STABACK, KUKOVICH, HALUSKA, DeWEESE, KOSINSKI,
HARPER, VAN HORNE, J. TAYLOR, WOGAN, MICHLOVIC, REBER,
CALTAGIRONE, LUCYK AND PRESTON, OCTOBER 23, 1985

REFERRED TO COMMITTEE ON FINANCE, OCTOBER 23, 1985

AN ACT

1 Relating to the conducting and operating of small games of
2 chance by nonprofit associations; providing for license fees
3 and their disposition; imposing duties on county treasurers
4 and district attorneys; prescribing penalties; and repealing
5 inconsistent acts.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Small Games
10 of Chance Law.

11 Section 2. Definitions.

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

15 "Association." A volunteer fire company, ambulance
16 association or religious, charitable, fraternal, veterans,
17 civic, county fair or agricultural association, or auxiliary
18 thereof, organized as a nonprofit organization, which shall have

1 existed and conducted business in furtherance of the express
2 purpose of its written constitution, charter, articles of
3 incorporation or bylaws for two years prior to application for a
4 license.

5 "Charitable purpose." Benevolent or philanthropic purpose.

6 "Civic purpose." Community purpose or other purpose for
7 which the association is chartered.

8 "Licensing authority." The county treasurer or, in any home
9 rule of the county or city of the first class where there is no
10 elected treasurer, the designee of the governing authority.

11 "Small games of chance." Any device which is used for
12 gambling purposes in which money is paid for the purpose of
13 trying to gain a monetary return, including stamp machines,
14 member sign-in lotteries, punchboards, pull-tab devices, half-
15 and-half tickets and raffles, but not including those machines
16 commonly known as slot machines or those games of chance
17 commonly known as bingo, roulette, dice, blackjack or other
18 games commonly associated with casino gambling.

19 Section 3. Associations permitted to conduct and operate small
20 games of chance.

21 Any association, for a charitable or civic purpose, when
22 licensed pursuant to this act, may conduct and operate small
23 games of chance as defined in this act.

24 Section 4. Rules for licensing.

25 (a) Issuance and fees.--The licensing authority shall
26 license, upon application, any association to conduct and
27 operate small games of chance at one location in the county. The
28 license fee to be charged to each association shall be \$500 per
29 annum. The fees collected pursuant to this section, after the
30 deduction of expenses incurred in administering this act, shall

1 be paid by the licensing authority to the school district
2 wherein the association conducts or operates the small games of
3 chance.

4 (b) Display.--Licenses issued pursuant to this section shall
5 be publicly displayed on the premises.

6 (c) Operation.--No association may hire any person to
7 manage, set up, operate or actually run the small games of
8 chance. Operators must be bona fide members of the association.

9 (d) Application for license.--Each association shall apply
10 to the licensing authority for a license on a form to be
11 prescribed by the Secretary of the Commonwealth. The form shall
12 contain an affidavit to be affirmed by the executive officer or
13 secretary of the association stating that:

14 (1) No person under 18 years of age, or in the case of
15 an association holding a liquor license, 21 years of age,
16 will be permitted by the association to play the small games
17 of chance.

18 (2) The facility in which the small games of chance are
19 to be played has adequate means of ingress and egress and
20 adequate sanitary facilities available in the area.

21 (3) The association is the owner of the premises upon
22 which the small games of chance are played or, if it is not,
23 that the association is not leasing such premises from the
24 owner thereof under an oral agreement, nor is it leasing such
25 premises from the owner thereof under a written agreement at
26 a rental which is determined by the amount of receipts
27 realized from the playing of the small games of chance.

28 Section 5. Revocation of licenses.

29 (a) Grounds.--The licensing authority may revoke or refuse
30 to renew the license of any association whenever the district

1 attorney finds upon complaint and investigation that:

2 (1) Any of the funds derived from the operation of the
3 small games of chance are used for any purpose other than for
4 charitable or civic purposes.

5 (2) Any person under 18 years of age, or in the case of
6 an association holding a liquor license, a person under 21
7 years of age, is playing the small games of chance as defined
8 in this act.

9 (3) The facility in which the small games of chance are
10 played does not have adequate means of ingress and egress and
11 does not have adequate sanitary facilities available in the
12 area.

13 (4) Compensation has been paid to or received by any
14 person, or that a person or persons other than those
15 authorized in section 4 have been involved in managing,
16 setting up, operating or running the small games of chance.

17 (5) The association conducts the small games of chance
18 upon premises which it does not own or lease in accordance
19 with this act and is either:

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

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

26 (6) False or erroneous information was provided in the
27 original notarized application.

28 (7) An association has been convicted of a violation of
29 this act as evidenced by a certified record of the
30 conviction.

1 (b) Production of records.--The treasurer of the school
2 district may require the licensees to produce their books to
3 determine if the proper license and stamp fees are being paid.
4 The district attorney may require the licensees to produce their
5 books, accounts and records relating to the conduct of small
6 games of chance in order to determine whether a license should
7 be revoked or renewal thereof denied.

8 Section 6. Penalty.

9 (a) Summary offense.--An association that violates this act
10 commits a summary offense and shall, upon conviction, be
11 sentenced to pay a fine not exceeding \$1,000 or shall forfeit
12 any license issued to the association. If a license is
13 forfeited, the association shall be ineligible for a license
14 renewal for 30 months thereafter.

15 (b) Misdemeanor.--A person who conducts or assists in the
16 conducting of small games of chance, unless engaged in the
17 conduct of small games of chance by an association licensed
18 under this act, commits a misdemeanor of the first degree.

19 Section 7. Additional powers of the district attorney.

20 (a) Investigation.--The district attorney, upon receipt of
21 any information to the effect that the provisions of this act or
22 its licensing provisions have been violated, shall investigate
23 the complaint. If the district attorney finds probable cause to
24 believe that a violation has occurred, he shall file a complaint
25 against the alleged violator in the court of common pleas in the
26 proper county. In addition, the district attorney shall
27 prosecute the complaint in the manner provided by law.

28 (b) Nuisance.--The conducting or operating of small games of
29 chance shall not constitute a public nuisance.

30 Section 8. Local option.

1 (a) Placement on ballot.--A majority of the voters of any
2 county shall have the option to reject the provisions of this
3 act in that county within 180 days from the effective date of
4 this act if the rejection is in conformity with the act of June
5 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election
6 Code. The question shall be placed upon the ballot of that
7 county for the next regularly scheduled election as a "no"
8 question if 25% of the registered voters of that county sign a
9 petition requesting that the question be put on the ballot. The
10 results shall be transmitted to the Secretary of the
11 Commonwealth, who shall have the duty of informing the
12 Department of Revenue of the results.

13 (b) Special election.--No special election shall be held to
14 answer this question. However, if a special election is held to
15 decide other matters, this question may properly be placed on
16 that ballot along with the other matters to be decided.

17 Section 9. Repeal.

18 The provisions of Title 18 of the Pennsylvania Consolidated
19 Statutes (relating to crimes and offenses) and all ordinances
20 and resolutions are repealed to the extent that they are
21 inconsistent with this act.

22 Section 10. Effective date.

23 This act shall take effect in 120 days.