

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1849 Session of 2011

INTRODUCED BY P. COSTA, SCHRODER, YOUNGBLOOD, DAVIS, DENLINGER,  
GOODMAN, HENNESSEY, MAHONEY, MURT, READSHAW, K. SMITH,  
STEPHENS, SWANGER AND VULAKOVICH, SEPTEMBER 19, 2011

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, SEPTEMBER 19, 2011

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further prohibiting gambling by  
3 underage individuals.

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

6 Section 1. Chapter 63 of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended by adding sections to read:

8 § 6321. Underage gambling prohibitions.

9 (a) Offense defined.--An individual commits an offense if  
10 he:

11 (1) Being under 21 years of age, enters or attempts to  
12 enter or is found in a gaming area of a licensed facility as  
13 that term is defined under 4 Pa.C.S. § 1103 (relating to  
14 definitions), except that an individual 18 years of age or  
15 older employed by a licensed gaming entity, a gaming service  
16 provider or the Pennsylvania Gaming Control Board, as those  
17 terms are defined in 4 Pa.C.S. (relating to amusements) or  
18 any other regulatory agency or emergency response agency, may

1 enter and remain in any such area while engaged in the  
2 performance of the individual's employment or volunteer  
3 duties.

4 (2) Being under 21 years of age, plays or attempts to  
5 play or wagers or attempts to wager on a slot machine or  
6 table game at a licensed facility.

7 (3) Being under 21 years of age and, subject to an  
8 exclusion order pursuant to subsection (d)(1), knowingly and  
9 willfully enters or attempts to enter the premises or gaming  
10 area of a licensed facility.

11 (4) Being under 18 years of age, wagers or attempts to  
12 wager on the outcome of any horse race meeting held at a  
13 racetrack or nonprimary location where pari-mutuel wagering  
14 is conducted by a licensed corporation as that term is  
15 defined in section 102 of the act of December 17, 1981  
16 (P.L.435, No.135), known as the Race Horse Industry Reform  
17 Act, except that this prohibition shall not be construed to  
18 forbid an individual who is under 18 years of age from  
19 attending a horse race meeting if accompanied by a parent or  
20 guardian, or to prohibit individuals under 18 years of age,  
21 who are legally employed, from being upon the racetrack  
22 premises for the sole purpose of engaging in the performance  
23 of their duties.

24 (5) Being under 18 years of age, purchases or attempts  
25 to purchase or participate in any small games of chance as  
26 that term is defined under section 3 of the act of December  
27 19, 1988 (P.L.1262, No.156), known as the Local Option Small  
28 Games of Chance Act.

29 (6) Being under 18 years of age, purchases or attempts  
30 to purchase a lottery ticket or share, or any similar game

1 sponsored by the Pennsylvania State Lottery, including any  
2 instant game, in violation of section 301 of the act of  
3 August 26, 1971 (P.L.351, No.91), known as the State Lottery  
4 Law.

5 (b) Grading.--

6 (1) Except as provided in paragraph (3), a violation of  
7 this section constitutes a summary offense when the offense  
8 is a first offense.

9 (2) A second or subsequent violation of this section  
10 shall constitute a misdemeanor of the third degree.

11 (3) A violation of subsection (a)(3) shall constitute a  
12 misdemeanor of the third degree.

13 (4) The use of preadjudication disposition in accordance  
14 with subsection (e) shall be considered a first or subsequent  
15 offense, whichever is applicable, for the purpose of further  
16 adjudication under this title.

17 (c) Mandatory fine.--In addition to any other penalty  
18 imposed:

19 (1) Except as provided in paragraph (2), an individual  
20 convicted of a first offense under this section shall be  
21 sentenced to pay a fine of not less than \$500 nor more than  
22 \$2,000. An individual convicted of a second or subsequent  
23 offense under this section shall be sentenced to pay a fine  
24 of not less than \$2,000 nor more than \$5,000.

25 (2) An individual convicted of violating subsection  
26 (a)(3) shall be sentenced to pay a fine of not less than  
27 \$2,000 nor more than \$3,000.

28 (d) Additional penalties.--In addition to any other sentence  
29 imposed following conviction for a violation of this section,  
30 the court shall:

1       (1) Issue an order prohibiting an individual who is  
2 convicted of violating subsection (a)(1) or (2) from entering  
3 or attempting to enter all licensed facilities in this  
4 Commonwealth until the individual is 21 years of age.

5       (2) Require the individual convicted of violating  
6 subsection (a)(1) or (2) to have his name placed on the list  
7 of persons self-excluded from gaming activities at all  
8 licensed facilities in this Commonwealth in accordance with  
9 regulations adopted by the Pennsylvania Gaming Control Board  
10 pursuant to 4 Pa.C.S. § 1514 (relating to regulation  
11 requiring exclusion or ejection of certain persons) until the  
12 individual is 21 years of age.

13       (3) Order the individual to perform a period of  
14 community service not to exceed 40 hours.

15       (4) Order the individual to return to the court any  
16 money or prize won by the individual. Any money won by an  
17 individual convicted of violating subsection (a) shall be  
18 collected by the court and transmitted to the Treasury  
19 Department for deposit in the fund established under 4  
20 Pa.C.S. § 1509(b) (relating to compulsive and problem  
21 gambling program). Any prize won shall be disposed of in a  
22 manner ordered by the court, except that any money resulting  
23 from such disposal shall be transmitted to the Treasury  
24 Department for deposit in the Compulsive and Problem Gambling  
25 Treatment Fund.

26       (e) Preadjudication disposition.--

27       (1) When an individual under 18 years of age is charged  
28 with violating subsection (a), the court may admit the  
29 offender to an adjudication alternative program under 42  
30 Pa.C.S. § 1520 (relating to adjudication alternative program)

1 or to any other preadjudication disposition, if the offender  
2 has not previously received a preadjudication disposition for  
3 violating subsection (a).

4 (2) Notwithstanding any provision of law or rule of  
5 court to the contrary, when an individual under 18 years of  
6 age is charged with violating subsection (a), the use of  
7 preadjudication disposition shall not be authorized for an  
8 individual charged with violating subsection (a)(1) or (2)  
9 unless such preadjudication disposition requires the  
10 individual to place his name on the list of self-excluded  
11 persons maintained by the Pennsylvania Gaming Control Board  
12 in accordance with 4 Pa.C.S. § 1514.

13 (f) Suspension of sentence.--No court shall have the  
14 authority to suspend any sentence required by this section.

15 (g) Definitions.--For the purposes of this section, the term  
16 "other regulatory agency" shall mean the Pennsylvania State  
17 Police, the Office of Attorney General and the Pennsylvania  
18 Department of Revenue.

19 § 6322. Misrepresentation of age to engage in gambling.

20 (a) Offense defined.--An individual commits an offense if  
21 he, being an underage individual, knowingly and falsely  
22 represents himself to be of full age to any agent or person for  
23 the purpose of:

24 (1) entering or attempting to enter a licensed facility  
25 as that term is defined under 4 Pa.C.S. § 1103 (relating to  
26 definitions);

27 (2) playing or attempting to play or wagering on a slot  
28 machine or table game at a licensed facility;

29 (3) subject to an exclusion order pursuant to subsection  
30 (d)(1), enters or attempts to enter the premises or gaming

1 area of a licensed facility;

2 (4) wagering or attempting to wager on the outcome of a  
3 horse race meeting at a racetrack or nonprimary location as  
4 those terms are defined under section 102 of the act of  
5 December 17, 1981 (P.L.435, No.135), known as the Race Horse  
6 Industry Reform Act;

7 (5) purchasing or attempting to purchase or participate  
8 in small games of chance as that term is defined under  
9 section 3 of the act of December 19, 1988 (P.L.1262, No.156),  
10 known as the Local Option Small Games of Chance Act; or

11 (6) purchasing or attempting to purchase a State Lottery  
12 ticket or share or any similar game sponsored by the  
13 Pennsylvania State Lottery, including an instant game, in  
14 violation of section 301 of the act of August 26, 1971  
15 (P.L.351, No.91), known as the State Lottery Law.

16 (b) Grading.--

17 (1) An individual who violates this section commits a  
18 misdemeanor of the third degree.

19 (2) The use of preadjudication disposition in accordance  
20 with subsection (e) shall be considered a first or subsequent  
21 offense, whichever is applicable, for the purpose of further  
22 adjudication under this title.

23 (c) Penalty.--In addition to any other penalty imposed under  
24 this title, an individual convicted of an offense under this  
25 section shall be sentenced to pay a fine of not less than \$2,000  
26 nor more than \$3,000.

27 (d) Additional penalties.--In addition to any other sentence  
28 imposed following conviction for a violation of this section,  
29 the court shall:

30 (1) Issue an order prohibiting an individual who is

1 convicted of violating subsection (a)(1) or (2) from entering  
2 or attempting to enter all licensed facilities in this  
3 Commonwealth until the individual is 21 years of age.

4 (2) Require the individual who is convicted of violating  
5 subsection (a)(1) or (2) to have his name placed on the list  
6 of persons self-excluded from gaming activities at all  
7 licensed facilities in this Commonwealth in accordance with  
8 regulations adopted by the Pennsylvania Gaming Control Board  
9 pursuant to 4 Pa.C.S. § 1514 (relating to regulation  
10 requiring exclusion or ejection of certain persons) until the  
11 individual is 21 years of age.

12 (3) Order the individual to perform a period of  
13 community service not to exceed 80 hours.

14 (4) Order the individual to return to the court any  
15 money or prize won by the individual. Any money won by an  
16 individual convicted of violating subsection (a) shall be  
17 collected by the court and transmitted to the Treasury  
18 Department for deposit in the fund established under 4  
19 Pa.C.S. § 1509(b) (relating to compulsive and problem  
20 gambling program). Any prize won shall be disposed of in a  
21 manner ordered by the court, except that any money resulting  
22 from such disposal shall be transmitted to the Treasury  
23 Department for deposit in the Compulsive and Problem Gambling  
24 Treatment Fund.

25 (e) Preadjudication disposition.--

26 (1) When an individual under 18 years of age is charged  
27 with violating subsection (a), the court may admit the  
28 offender to an adjudication alternative program under 42  
29 Pa.C.S. § 1520 (relating to adjudication alternative program)  
30 or to any other preadjudication disposition, if the offender

1 has not previously received a preadjudication disposition for  
2 violating subsection (a).

3 (2) Notwithstanding any provision of law or rule of  
4 court to the contrary, when an individual under 18 years of  
5 age is charged with violating subsection (a), the use of  
6 preadjudication disposition shall not be authorized for an  
7 individual charged with violating subsection (a)(1) or (2)  
8 unless such preadjudication disposition requires the  
9 individual to place his name on the list of self-excluded  
10 persons maintained by the Pennsylvania Gaming Control Board  
11 in accordance with 4 Pa.C.S. § 1514 until such individual is  
12 21 years of age.

13 (f) Suspension of sentence.--No court shall have the  
14 authority to suspend any sentence required by this section.

15 (g) Definitions.--As used in this section, the following  
16 words and phrases shall have the meanings given to them in this  
17 subsection unless the context clearly indicates otherwise:

18 "Agent" or "person." The term means:

19 (1) Any employee, agent, representative or contractor of  
20 a licensed gaming entity or licensed racing entity as those  
21 terms are defined under 4 Pa.C.S § 1103, any employee, agent,  
22 representative or contractor of the State Horse Racing  
23 Commission or the State Harness Racing Commission or any  
24 trooper of the Pennsylvania State Police or any other law  
25 enforcement officer.

26 (2) A person or any employee, agent or representative of  
27 a person licensed to conduct small games of chance pursuant  
28 to the act of December 19, 1988 (P.L.1262, No.156), known as  
29 the Local Option Small Games of Chance Act.

30 (3) A lottery sales agent licensed in accordance with

1 the act of August 26, 1971 (P.L.351, No.91), known as the  
2 State Lottery Law, or any employee, agent or representative  
3 of a lottery sales agent.

4 "Underage individual." An individual who is under 18 years  
5 of age or an individual who is under 21 years of age, as the  
6 case may be.

7 § 6323. Representing that individual is of age.

8 (a) Offense defined.--An individual commits an offense if he  
9 knowingly, willfully and falsely represents to any agent or  
10 person that an underage individual is of full age for the  
11 purpose of inducing any such agent or person to allow an  
12 underage individual to:

13 (1) Enter a licensed facility, as that term is defined  
14 in 4 Pa.C.S. § 1103 (relating to definitions).

15 (2) Play or wager on a slot machine or table game at a  
16 licensed facility.

17 (3) Wager on the outcome of any horse race meeting held  
18 at a racetrack or nonprimary location where pari-mutuel  
19 wagering is conducted by a licensed corporation as that term  
20 is defined in section 102 of the act of December 17, 1981  
21 (P.L.435, No.135), known as the Race Horse Industry Reform  
22 Act.

23 (4) Purchase or participate in small games of chance as  
24 that term is defined under section 3 of the act of December  
25 19, 1988 (P.L.1262, No.156), known as the Local Option Small  
26 Games of Chance Act.

27 (5) Purchase a lottery ticket or share or any similar  
28 game, including an instant game, sponsored by the  
29 Pennsylvania State Lottery in violation of section 301 of the  
30 act of August 26, 1971 (P.L.351, No.91), known as the State

1     Lottery Law.

2     (b) Grading.--An individual who violates this section  
3 commits a misdemeanor of the third degree.

4     (c) Penalty.--An individual convicted of an offense under  
5 this section shall be sentenced to pay a fine of not less than  
6 \$2,000 nor more than \$5,000.

7     (d) Definitions.--As used in this section, the following  
8 words and phrases shall have the meanings given to them in this  
9 subsection unless the context clearly indicates otherwise:

10    "Agent" or "person." The term means:

11       (1) Any employee, agent, representative or contractor of  
12 a licensed gaming entity or licensing racing entity as those  
13 terms are defined under 4 Pa.C.S. § 1103, any employee,  
14 agent, representative or contractor of the State Horse Racing  
15 Commission or the State Harness Racing Commission or any  
16 trooper of the Pennsylvania State Police or any other law  
17 enforcement officer.

18       (2) A person or any employee, agent or representative of  
19 a person licensed to conduct small games of chance pursuant  
20 to the act of December 19, 1988 (P.L.1262, No.156), known as  
21 the Local Option Small Games of Chance Act.

22       (3) A lottery sales agent or any employee, agent or  
23 representative of a lottery sales agent licensed in  
24 accordance with the act of August 26, 1971 (P.L.351, No.91),  
25 known as the State Lottery Law.

26    "Underage individual." An individual who is under 18 years  
27 of age or an individual who is under 21 years of age, as the  
28 case may be.

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