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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1893 Session of  
2011

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INTRODUCED BY VULAKOVICH, DAVIS, SCHRODER, MANN, BAKER, CLYMER,  
D. COSTA, FABRIZIO, HAHN, LONGIETTI, MAJOR, MARSHALL,  
MILLARD, MILLER, SAINATO, SWANGER AND YOUNGBLOOD,  
OCTOBER 14, 2011

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REFERRED TO COMMITTEE ON GAMING OVERSIGHT, OCTOBER 14, 2011

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for gambling  
3 devices, gambling, etc.

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

6 Section 1. Section 5513(a) and (f) of Title 18 of the  
7 Pennsylvania Consolidated Statutes are amended and the section  
8 is amended by adding a subsection to read:

9 § 5513. Gambling devices, gambling, etc.

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

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

17 (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 or

8 (5) owns, operates, maintains, places into operation or  
9 has a financial interest in an electronic gaming machine or  
10 device to do any of the following:

11 (i) Conduct a sweepstakes through the use of a  
12 simulated gambling device, including the entry process or  
13 the revealing of a prize.

14 (ii) Promote a sweepstakes that is conducted through  
15 the use of a simulated gambling device, including the  
16 entry process or the revealing of a prize.

17 \* \* \*

18 (e.1) Construction.--Nothing in this section shall be  
19 construed to prohibit any activity that is lawfully conducted  
20 under any of the following:

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

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

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

27 (4) 4 Pa.C.S. (relating to amusements).

28 (f) Definitions.--[As used in this section, the term  
29 "gambling place" does not include a vessel that is in the  
30 process of construction, delivery, conversion or repair by a

1 shipbuilding business that complies with subsection (d).] The  
2 following words and phrases when used in this section shall have  
3 the meanings given to them in this subsection unless the context  
4 clearly indicates otherwise:

5 "Electronic gaming machine or device." A mechanically,  
6 electrically or electronically operated machine or device that  
7 is intended to be used by a sweepstakes entrant and is capable  
8 of displaying information on a screen or other mechanism. The  
9 term includes an electronic gaming machine or device which:

10 (1) Uses a simulated game terminal as a representation  
11 of the prizes associated with the results of the sweepstakes  
12 entries.

13 (2) Uses software that simulates a game that influences  
14 or determines the winning or value of the prize.

15 (3) Selects prizes from a predetermined finite pool of  
16 entries.

17 (4) Uses a mechanism that reveals the content of a  
18 predetermined sweepstakes entry.

19 (5) Predetermines the prize results and restores those  
20 results for delivery at the time the sweepstakes entry is  
21 revealed.

22 (6) Uses software to create a game result.

23 (7) Requires a deposit of any money, coin or token or  
24 the use of any credit card, debit card, prepaid card or other  
25 method of payment to activate the electronic gaming machine  
26 or device.

27 (8) Requires direct payment into the electronic gaming  
28 machine or device or remote activation of the electronic  
29 gaming machine or device.

30 (9) Requires purchase of a related product and the

1 related product has legitimate value.

2 (10) Reveals the prize incrementally even though it may  
3 not influence whether a prize is awarded or the value of any  
4 prize awarded.

5 (11) Determines and associates the prize with an entry  
6 or entries at the time the sweepstakes is entered.

7 "Enter" or "entry." The act or process by which a person  
8 becomes eligible to receive any prize offered in a sweepstakes.

9 "Gambling place." The term does not include a vessel that is  
10 in the process of construction, delivery, conversion or repair  
11 by a shipbuilding business that complies with subsection (d).

12 "Prize." Any gift, award, gratuity, good, service, credit or  
13 anything else of value which may be transferred to a person  
14 whether or not possession of the prize is actually transferred  
15 or placed on an account or other record as evidence of the  
16 intent to transfer the prize.

17 "Simulated gambling device." A mechanically or  
18 electronically operated machine, network, system or device that  
19 is intended to be used by an entrant to a game promotion or  
20 sweepstakes that is capable of displaying a simulated gambling  
21 display on a screen or other mechanism. The term includes, but  
22 not limited to:

23 (1) A video poker game or any other kind of video card  
24 game.

25 (2) A video bingo game.

26 (3) A video craps game.

27 (4) A video keno game.

28 (5) A video lotto game.

29 (6) Eight liner.

30 (7) Pot-of-gold.

1           (8) A video game based on or involving the random or  
2           chance matching of different pictures, words, numbers or  
3           symbols.

4           "Sweepstakes." Any game, advertising scheme or plan or other  
5           promotion that, with or without payment of any consideration, a  
6           person may enter to win or become eligible to receive any prize.

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