

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1893 Session of 2011

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

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 28, 2012

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 SECTION 1. SECTION 5513(F) OF TITLE 18 OF THE PENNSYLVANIA
10 CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY
11 ADDING SUBSECTIONS TO READ:



12 § 5513. Gambling devices, gambling, etc.

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



15 (1) intentionally or knowingly makes, assembles, sets
16 up, maintains, sells, lends, leases, gives away, or offers
17 for sale, loan, lease or gift, any punch board, drawing card,

1 ~~slot machine or any device to be used for gambling purposes,~~  
2 ~~except playing cards;~~

3 ~~(2) allows persons to collect and assemble for the~~  
4 ~~purpose of unlawful gambling at any place under his control;~~

5 ~~(3) solicits or invites any person to visit any unlawful~~  
6 ~~gambling place for the purpose of gambling; [or]~~

7 ~~(4) being the owner, tenant, lessee or occupant of any~~  
8 ~~premises, knowingly permits or suffers the same, or any part~~  
9 ~~thereof, to be used for the purpose of unlawful gambling[.];~~

10 ~~or~~

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

14 ~~(i) Conduct a sweepstakes through the use of a~~  
15 ~~simulated gambling device, including the entry process or~~  
16 ~~the revealing of a prize.~~

17 ~~(ii) Promote a sweepstakes that is conducted through~~  
18 ~~the use of a simulated gambling device, including the~~  
19 ~~entry process or the revealing of a prize.~~

20 \* \* \*

21 (A.1) ELECTRONIC VIDEO MONITOR.--A PERSON COMMITS A ←  
22 MISDEMEANOR OF THE FIRST DEGREE IF HE OWNS, OPERATES, MAINTAINS,  
23 PLACES INTO OPERATION OR HAS A FINANCIAL INTEREST IN AN  
24 ELECTRONIC VIDEO MONITOR OR BUSINESS THAT OWNS, OPERATES,  
25 MAINTAINS OR PLACES INTO OPERATION OR HAS A FINANCIAL INTEREST  
26 IN AN ELECTRONIC VIDEO MONITOR:

27 (1) WHICH IS OFFERED OR MADE AVAILABLE TO PERSONS TO  
28 PLAY OR PARTICIPATE IN A SIMULATED GAMBLING PROGRAM FOR  
29 DIRECT OR INDIRECT CONSIDERATION, INCLUDING CONSIDERATION  
30 ASSOCIATED WITH A RELATED PRODUCT, SERVICE OR ACTIVITY; AND

1           (2) FOR WHICH THE PERSON PLAYING THE SIMULATED GAMBLING  
2 PROGRAM MAY BECOME ELIGIBLE FOR A CASH OR CASH-EQUIVALENT  
3 PRIZE, WHETHER OR NOT THE ELIGIBILITY FOR OR VALUE OF THE  
4 CASH OR CASH-EQUIVALENT PRIZE IS DETERMINED BY OR HAS ANY  
5 RELATIONSHIP TO THE OUTCOME OF OR PLAY OF THE SIMULATED  
6 GAMBLING PROGRAM.

7           \* \* \*

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

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

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

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

17           (4) 4 Pa.C.S. (relating to amusements).

18           (f) Definitions.--[As used in this section, the term  
19 "gambling place" does not include a vessel that is in the  
20 process of construction, delivery, conversion or repair by a  
21 shipbuilding business that complies with subsection (d).] The  
22 following words and phrases when used in this section shall have  
23 the meanings given to them in this subsection unless the context  
24 clearly indicates otherwise:

25           ~~"Electronic gaming machine or device." A mechanically,~~ ←  
26 ~~electrically or electronically operated machine or device that~~  
27 ~~is intended to be used by a sweepstakes entrant and is capable~~  
28 ~~of displaying information on a screen or other mechanism. The~~  
29 ~~term includes an electronic gaming machine or device which:~~

30           ~~(1) Uses a simulated game terminal as a representation~~

1 ~~of the prizes associated with the results of the sweepstakes~~  
2 ~~entries.~~

3 ~~(2) Uses software that simulates a game that influences~~  
4 ~~or determines the winning or value of the prize.~~

5 ~~(3) Selects prizes from a predetermined finite pool of~~  
6 ~~entries.~~

7 ~~(4) Uses a mechanism that reveals the content of a~~  
8 ~~predetermined sweepstakes entry.~~

9 ~~(5) Predetermines the prize results and restores those~~  
10 ~~results for delivery at the time the sweepstakes entry is~~  
11 ~~revealed.~~

12 ~~(6) Uses software to create a game result.~~

13 ~~(7) Requires a deposit of any money, coin or token or~~  
14 ~~the use of any credit card, debit card, prepaid card or other~~  
15 ~~method of payment to activate the electronic gaming machine~~  
16 ~~or device.~~

17 ~~(8) Requires direct payment into the electronic gaming~~  
18 ~~machine or device or remote activation of the electronic~~  
19 ~~gaming machine or device.~~

20 ~~(9) Requires purchase of a related product and the~~  
21 ~~related product has legitimate value.~~

22 ~~(10) Reveals the prize incrementally even though it may~~  
23 ~~not influence whether a prize is awarded or the value of any~~  
24 ~~prize awarded.~~

25 ~~(11) Determines and associates the prize with an entry~~  
26 ~~or entries at the time the sweepstakes is entered.~~

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

29 ~~"Gambling place." The term does not include a vessel that is~~  
30 ~~in the process of construction, delivery, conversion or repair~~

1 ~~by a shipbuilding business that complies with subsection (d).~~

2 ~~"Prize." Any gift, award, gratuity, good, service, credit or~~  
3 ~~anything else of value which may be transferred to a person~~  
4 ~~whether or not possession of the prize is actually transferred~~  
5 ~~or placed on an account or other record as evidence of the~~  
6 ~~intent to transfer the prize.~~

7 ~~"Simulated gambling device." A mechanically or~~  
8 ~~electronically operated machine, network, system or device that~~  
9 ~~is intended to be used by an entrant to a game promotion or~~  
10 ~~sweepstakes that is capable of displaying a simulated gambling~~  
11 ~~display on a screen or other mechanism. The term includes, but~~  
12 ~~not limited to:~~

13 ~~(1) A video poker game or any other kind of video card~~  
14 ~~game.~~

15 ~~(2) A video bingo game.~~

16 ~~(3) A video craps game.~~

17 ~~(4) A video keno game.~~

18 ~~(5) A video lotto game.~~

19 ~~(6) Eight liner.~~

20 ~~(7) Pot of gold.~~

21 ~~(8) A video game based on or involving the random or~~  
22 ~~chance matching of different pictures, words, numbers or~~  
23 ~~symbols.~~

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

27 ~~"CONSIDERATION ASSOCIATED WITH A RELATED PRODUCT, SERVICE OR~~  
28 ~~ACTIVITY." MONEY OR OTHER VALUE COLLECTED FOR A PRODUCT,~~  
29 ~~SERVICE OR ACTIVITY WHICH IS OFFERED IN ANY DIRECT OR INDIRECT~~  
30 ~~RELATIONSHIP TO PLAYING OR PARTICIPATING IN THE SIMULATED~~



1 GAMBLING PROGRAM. THE TERM INCLUDES CONSIDERATION PAID FOR  
2 COMPUTER TIME, INTERNET TIME, TELEPHONE CALLING CARDS AND A  
3 SWEEPSTAKES ENTRY.

4 "ELECTRONIC VIDEO MONITOR." AN ELECTRONIC DEVICE CAPABLE OF  
5 SHOWING MOVING OR STILL IMAGES.

6 "SIMULATED GAMBLING PROGRAM." ANY OF THE FOLLOWING THAT IS ←  
7 METHOD INTENDED TO BE USED BY A PERSON PLAYING OR PARTICIPATING ←  
8 IN THE PROGRAM INTERACTING WITH AN ELECTRONIC VIDEO MONITOR IN A ←  
9 BUSINESS ESTABLISHMENT THAT DIRECTLY OR INDIRECTLY IMPLEMENTS  
10 THE PREDETERMINATION OF SWEEPSTAKES CASH OR CASH-EQUIVALENT  
11 PRIZES OR OTHERWISE CONNECTS THE SWEEPSTAKES PLAYER OR  
12 PARTICIPANT WITH THE CASH OR CASH-EQUIVALENT PRIZE: ←

13 (1) A MECHANICALLY OR ELECTRONICALLY OPERATED MACHINE,  
14 COMPUTER, SMARTPHONE, TABLET OR OTHER DEVICE.

15 (2) A NETWORK, APPLICATION, SYSTEM OR SOFTWARE THAT RUNS  
16 OR OPERATES ON A DEVICE UNDER PARAGRAPH (1).

17 Section 2. This act shall take effect in 60 days ←  
18 IMMEDIATELY. ←