

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2015 Session of 2011

INTRODUCED BY P. COSTA, YOUNGBLOOD, BRENNAN, V. BROWN, BURNS, CALTAGIRONE, CARROLL, D. COSTA, DALEY, DEASY, DeLUCA, GERGELY, HORNAMAN, W. KELLER, KORTZ, MAHONEY, MANN, MATZIE, MILLARD, MIRABITO, MOUL, WHITE, FABRIZIO, RAVENSTAHL AND STEPHENS, NOVEMBER 17, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 11, 2012

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 providing for Major League Baseball or,
10 National Hockey League OR NATIONAL BASKETBALL ASSOCIATION
11 50/50 raffle RAFFLES; AND FURTHER PROVIDING FOR LICENSING OF
12 ELIGIBLE ORGANIZATIONS TO CONDUCT GAMES OF CHANCE.



13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The definition of "games of chance" in section
16 103 of the act of December 19, 1988 (P.L.1262, No.156), known as
17 the Local Option Small Games of Chance Act, renumbered and
18 amended February 6 2, 2012 (P.L.7, No.2), is amended and the
19 section is amended by adding definitions to read:



20 Section 103. Definitions.

21 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "50/50 drawing." A game in which a participant buys a ticket
4 for a chance at a prize with the winner or winners determined by
5 a random drawing of a corresponding ticket. The prize paid to
6 the winner or winners is comprised of one-half of the proceeds
7 from the game and the remaining proceeds retained by the
8 eligible organization.

9 * * *

10 "Games of chance." Punchboards, daily drawings, weekly
11 drawings, 50/50 drawings, raffles, Major League Baseball or, ←
12 National Hockey League OR NATIONAL BASKETBALL ASSOCIATION 50/50 ←
13 raffles, SELECTIVE RAFFLES and pull-tabs, as defined in this ←
14 act, provided that no such game shall be played by or with the
15 assistance of any mechanical or electrical devices or media
16 other than a dispensing machine or passive selection device and
17 further provided that the particular chance taken by any person
18 in any such game shall not be made contingent upon any other
19 occurrence or the winning of any other contest, but shall be
20 determined solely at the discretion of the purchaser. This
21 definition shall not be construed to authorize any other form of
22 gambling currently prohibited under any provision of Title 18 of
23 the Pennsylvania Consolidated Statutes (relating to crimes and
24 offenses) or authorized under 4 Pa.C.S. (relating to
25 amusements). Nothing in this act shall be construed to authorize
26 games commonly known as "slot machines" or "video poker."

27 * * *

28 "Major League Baseball or, National Hockey League OR NATIONAL ←
29 BASKETBALL ASSOCIATION 50/50 raffle." A game of chance
30 conducted by a Major League Baseball or, National Hockey League ←

1 OR NATIONAL BASKETBALL ASSOCIATION team that is affiliated with ←
2 a nonprofit organization at a home game in which 50% of the
3 money taken in by raffle ticket sales is offered as the prize
4 and the remaining 50% is retained by the affiliated nonprofit
5 organization sponsoring the raffle.

6 * * *

7 "SELECTIVE RAFFLE." A GAME IN WHICH A PARTICIPANT BUYS A ←
8 TICKET OR TICKETS FOR A CHANCE TO WIN A DONATED PRIZE. THE
9 PARTICIPANT PLACES HIS OR HER TICKET OR TICKETS IN A DESIGNATED
10 LOCATION FOR THE PRICE WHICH HE OR SHE WOULD LIKE TO WIN. THE
11 WINNER FOR EACH PRIZE IS DETERMINED BY A RANDOM DRAWING OF
12 TICKETS WITH A CORRESPONDING NUMBER FOR THE PRIZE.

13 * * *

14 Section 2. The act is amended by adding a section to read:
15 Section 302.1. Major League Baseball ~~or~~, National Hockey League ←
16 OR NATIONAL BASKETBALL ASSOCIATION 50/50 raffle. ←

17 (a) General rule.--A person may purchase one or more Major
18 League Baseball ~~or~~, National Hockey League OR NATIONAL ←
19 BASKETBALL ASSOCIATION 50/50 raffle tickets, and each ticket
20 purchased shall represent one entry in the drawing for a winner.
21 A single Major League Baseball ~~or~~, National Hockey League OR ←
22 NATIONAL BASKETBALL ASSOCIATION 50/50 raffle ticket shall be
23 randomly chosen as the winner after a certain number of tickets
24 are sold or a specified time period expires as designated by the
25 charitable organization conducting the Major League Baseball ~~or~~, ←
26 National Hockey League OR NATIONAL BASKETBALL ASSOCIATION 50/50 ←
27 raffle.

28 (b) Frequency.--A MAJOR LEAGUE BASEBALL, NATIONAL HOCKEY ←
29 LEAGUE OR NATIONAL BASKETBALL ASSOCIATION TEAM SHALL CONDUCT
30 ONLY ONE MAJOR LEAGUE BASEBALL, NATIONAL HOCKEY LEAGUE OR

1 NATIONAL BASKETBALL ASSOCIATION 50/50 RAFFLE PER HOME GAME.
2 There shall be no limit on the number of times a Major League
3 Baseball ~~or~~, National Hockey League OR NATIONAL BASKETBALL ←
4 ASSOCIATION 50/50 raffle may be conducted during the course of a
5 Major League Baseball ~~or~~, National Hockey League OR NATIONAL ←
6 BASKETBALL ASSOCIATION season.

7 (B.1) SALES RESTRICTED.--TICKETS FOR THE MAJOR LEAGUE ←
8 BASEBALL, NATIONAL HOCKEY LEAGUE OR NATIONAL BASKETBALL
9 ASSOCIATION 50/50 RAFFLE MAY NOT BE SOLD IN ANY SEATING AREA
10 DESIGNATED BY THE MAJOR LEAGUE BASEBALL OR NATIONAL HOCKEY
11 LEAGUE TEAM AS A FAMILY SECTION.

12 (c) Distribution of money collected.--The prize amount for a
13 Major League Baseball ~~or~~, National Hockey League OR NATIONAL ←
14 BASKETBALL ASSOCIATION 50/50 raffle shall be 50% of the total
15 money collected from the sale of Major League Baseball ~~or~~, ←
16 National Hockey League OR NATIONAL BASKETBALL ASSOCIATION 50/50 ←
17 raffle tickets. The other 50% of the total money collected from
18 the sale of Major League Baseball ~~or~~, National Hockey League OR ←
19 NATIONAL BASKETBALL ASSOCIATION 50/50 raffle tickets shall be
20 donated within seven days from the date of the raffle by the
21 charitable organization conducting the Major League Baseball ~~or~~, ←
22 National Hockey League OR NATIONAL BASKETBALL ASSOCIATION 50/50 ←
23 raffle to the designated charitable organization for which the
24 raffle was conducted.

25 (d) Designated charitable organization.--The charitable
26 organization conducting the Major League Baseball ~~or~~, National ←
27 Hockey League OR NATIONAL BASKETBALL ASSOCIATION 50/50 raffle ←
28 shall disclose to the raffle ticket purchasers the designated
29 charitable organization for which the Major League Baseball ~~or~~, ←
30 National Hockey League OR NATIONAL BASKETBALL ASSOCIATION 50/50 ←

1 raffle is being conducted.

2 (e) Unclaimed prizes.--Any Major League Baseball ~~or~~, ←
3 National Hockey League OR NATIONAL BASKETBALL ASSOCIATION 50/50 ←
4 raffle prize remaining unclaimed by the winner at the end of the
5 Major League Baseball ~~or~~, National Hockey League OR NATIONAL ←
6 BASKETBALL ASSOCIATION team's season shall be donated within 30
7 days from the end of the season by the charitable organization
8 conducting the Major League Baseball ~~or~~, National Hockey League ←
9 OR NATIONAL BASKETBALL ASSOCIATION 50/50 raffle to the ←
10 designated charitable organization for which the 50/50 raffle
11 was conducted.

12 (f) Applicability of other sections.--The limitations under
13 sections 302, 308 and 704 shall not apply to a Major League
14 Baseball ~~or~~, National Hockey League OR NATIONAL BASKETBALL ←
15 ASSOCIATION 50/50 raffle.

16 SECTION 2.1. SECTION 307(H) OF THE ACT, RENUMBERED AND ←
17 AMENDED FEBRUARY 2, 2012 (P.L.7, NO.2), IS AMENDED TO READ:
18 SECTION 307. LICENSING OF ELIGIBLE ORGANIZATIONS TO CONDUCT
19 GAMES OF CHANCE.

20 * * *

21 (H) BACKGROUND CHECKS.--[EACH]

22 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), EACH
23 APPLICATION FOR A LICENSE SHALL INCLUDE THE RESULTS OF A
24 CRIMINAL HISTORY RECORD INFORMATION CHECK OBTAINED FROM THE
25 PENNSYLVANIA STATE POLICE, AS DEFINED IN 18 PA.C.S. § 9102
26 (RELATING TO DEFINITIONS) AND PERMITTED BY 18 PA.C.S. §
27 9121(B) (RELATING TO GENERAL REGULATIONS), FOR THE EXECUTIVE
28 OFFICER AND SECRETARY OF THE ELIGIBLE ORGANIZATION MAKING THE
29 APPLICATION FOR A LICENSE OR ANY OTHER PERSON REQUIRED BY THE
30 DEPARTMENT.

1 (2) PARAGRAPH (1) DOES NOT APPLY AS FOLLOWS:

2 (I) AN APPLICATION SUBMITTED BY AN ELIGIBLE
3 ORGANIZATION THAT IS NOT A CLUB, SHALL NOT BE REQUIRED TO
4 INCLUDE THE RESULTS OF A CRIMINAL HISTORY RECORD
5 INFORMATION CHECK IF THE APPLICATION INCLUDES AN
6 AFFIDAVIT EXECUTED BY THE ELIGIBLE ORGANIZATION'S
7 EXECUTIVE OFFICER AFFIRMING THAT, IF GRANTED A LICENSE,
8 THE ELIGIBLE ORGANIZATION DOES NOT ANTICIPATE THAT THE
9 ORGANIZATION'S TOTAL SMALL GAMES OF CHANCE REVENUE WILL
10 EXCEED \$2,500 DURING THE PERIOD FOR WHICH THE LICENSE IS
11 VALID. THE DEPARTMENT SHALL PRESCRIBE AN AFFIDAVIT FORM
12 FOR THIS PURPOSE AND MAKE THE FORM AVAILABLE TO LICENSING
13 AUTHORITIES.

14 (II) IF, FOLLOWING THE ISSUANCE OF A LICENSE TO AN
15 ELIGIBLE ORGANIZATION UNDER SUBPARAGRAPH (I), THE
16 ELIGIBLE ORGANIZATION'S TOTAL SMALL GAMES OF CHANCE
17 REVENUE RECEIPTS SURPASS \$2,500 DURING THE PERIOD FOR
18 WHICH THE LICENSE WAS VALID, THE ELIGIBLE ORGANIZATION
19 SHALL:

20 (A) WITHIN 180 DAYS OF SURPASSING THE SPECIFIED
21 AMOUNT, PROVIDE THE ISSUING AUTHORITY WITH THE
22 RESULTS OF A CRIMINAL HISTORY RECORD INFORMATION
23 CHECK FOR ITS EXECUTIVE OFFICER AND SECRETARY WHICH
24 MEETS THE REQUIREMENTS OF PARAGRAPH (1); AND

25 (B) WHEN IT NEXT APPLIES FOR LICENSURE, COMPLY
26 WITH PARAGRAPH (1).

27 Section 3. This act shall take effect in 60 days.