
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 394 Session of
2017

INTRODUCED BY P. COSTA, D. COSTA, DeLUCA, KORTZ, McNEILL, MILNE
AND READSHAW, FEBRUARY 8, 2017

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 8, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in minors, providing for
3 misrepresentation of age to participate in gambling
4 activities and for underage gambling, and further providing
5 for representing that minor is of age, for inducement of
6 minors to buy liquor or malt or brewed beverages, for
7 carrying a false identification card, for restriction of
8 operating privileges, for predisposition evaluation and for
9 definitions.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Title 18 of the Pennsylvania Consolidated
13 Statutes is amended by adding sections to read:

14 § 6307.1. Misrepresentation of age to participate in gambling
15 activities.

16 (a) Offense defined.--A person is guilty of a summary
17 offense for a first violation and a misdemeanor of the third
18 degree for any subsequent violations if the person:

19 (1) Being under 21 years of age, knowingly and falsely
20 represents himself to be 21 years of age or older to an agent
21 or other person for the purpose of entering or attempting to

1 enter a licensed facility or playing, attempting to play,
2 wagering or attempting to wager on a slot machine or table
3 game at a licensed facility.

4 (2) Being under 18 years of age, knowingly and falsely
5 represents himself to be 18 years of age or older to an agent
6 or other person for the purpose of wagering on the outcome of
7 a horse race meeting held at a racetrack or nonprimary
8 location where pari-mutuel wagering is conducted by a
9 licensed racing entity.

10 (3) Being under 18 years of age, knowingly and falsely
11 represents himself to be 18 years of age or older to an agent
12 or other person for the purpose of purchasing or
13 participating in games of chance.

14 (4) Being under 18 years of age, knowingly and falsely
15 represents himself to be 18 years of age or older to any
16 agent or other person for the purpose of purchasing a lottery
17 ticket or share or any similar game, including an instant
18 game, sponsored by the Pennsylvania State Lottery in
19 violation of section 309 of the act of August 26, 1971
20 (P.L.351, No.91), known as the State Lottery Law.

21 (b) Minimum penalty.--In addition to any other penalty
22 imposed under section 6310.4 (relating to restriction of
23 operating privileges), this title or other statute, a person who
24 is convicted of violating subsection (a) may be sentenced to pay
25 a fine of not more than \$500 for a subsequent violation. A court
26 may not suspend a sentence imposed under this section.

27 (c) Adjudication of delinquency.--In addition to any other
28 disposition authorized by law, a person adjudicated delinquent
29 under subsection (a) may be ordered to pay a fine not exceeding
30 \$500 for an adjudication of delinquency.

1 (d) Preadjudication disposition.--The following apply:

2 (1) When a person is charged with violating subsection
3 (a), the court may admit the offender to an adjudication
4 alternative program under 42 Pa.C.S. § 1520 (relating to
5 adjudication alternative program) or another preadjudication
6 disposition, if the offender has not previously received a
7 preadjudication disposition for violating subsection (a).

8 (2) For the purpose of further adjudication under this
9 section or under section 6310.4, the use of a preadjudication
10 disposition shall be considered a first or subsequent
11 offense, whichever is applicable.

12 § 6308.1. Underage gambling.

13 (a) Offense defined.--A person commits a summary offense if:

14 (1) The person, being under 21 years of age, enters or
15 attempts to enter or is found on the gaming floor or in a
16 gaming-related restricted area of a licensed facility or
17 plays, attempts to play, wagers or attempts to wager on a
18 slot machine or table game at a licensed facility.

19 (2) The person, being under 18 years of age:

20 (i) wagers or attempts to wager on the outcome of a
21 horse race meeting held at a racetrack or nonprimary
22 location where pari-mutuel wagering is conducted by a
23 licensed racing entity;

24 (ii) purchases or attempts to purchase or
25 participate in games of chance; or

26 (iii) purchases or attempts to purchase a lottery
27 ticket or share, or a similar game sponsored by the State
28 Lottery, including an instant game, in violation of
29 section 301 of the act of August 26, 1971 (P.L.351,
30 No.91), known as the State Lottery Law.

1 (b) Exception.--The following person under 21 years of age
2 may enter and remain in an area of a licensed facility while
3 engaged in the performance of the person's employment or
4 emergency response duties:

5 (1) An employee of a licensed gaming entity.

6 (2) An employee of a gaming service provider.

7 (3) An employee of the board or another regulatory
8 agency.

9 (4) An employee or volunteer of a law enforcement or
10 emergency response agency.

11 (c) Penalty.--In addition to any other penalty imposed under
12 this section or section 6310.4 (relating to restriction of
13 operating privileges), a person convicted of violating
14 subsection (a) may be sentenced to pay a fine of not more than
15 \$500 for the first violation and not more than \$1,000 for the
16 second and each subsequent violation.

17 (d) Preadjudication disposition.--The following apply:

18 (1) When a person is charged with violating subsection
19 (a), the magisterial district judge may admit the offender
20 to:

21 (i) an adjudication alternative authorized under 42
22 Pa.C.S. § 1520 (relating to adjudication alternative
23 program); or

24 (ii) another preadjudication disposition if the
25 offender has not previously received a preadjudication
26 disposition for violating subsection (a).

27 (2) For the purpose of further adjudication under this
28 section or section 6310.4, the use of a preadjudication
29 disposition shall be considered a first or subsequent
30 offense, whichever is applicable.

1 (e) Notification.--A police department that makes an arrest
2 for a suspected violation of subsection (a) shall notify the
3 parents or guardian, if applicable, of the minor charged of the
4 arrest.

5 Section 2. Sections 6309(a), 6310 heading and (a),
6 6310.3(a), 6310.4(a) and 6310.5(a) of Title 18 are amended to
7 read:

8 § 6309. Representing that minor is of age.

9 (a) Offense defined.--A person is guilty of a misdemeanor of
10 the third degree if he knowingly, willfully, and falsely
11 represents to any licensed dealer, agent or other person, any
12 minor to be of full age, for the purpose of:

13 (1) inducing any such licensed dealer or other person,
14 to sell or furnish any liquor or malt or brewed beverages, as
15 defined in section 6310.6 (relating to definitions), to the
16 minor[.];

17 (2) allowing the minor to enter a licensed facility or
18 to play or wager on a slot machine or table game at a
19 licensed facility;

20 (3) allowing the minor to wager on the outcome of a
21 horse race meeting held at a racetrack or nonprimary location
22 where pari-mutuel wagering is conducted by a licensed racing
23 entity;

24 (4) allowing the minor to purchase or participate in
25 games of chance; or

26 (5) allowing the minor to purchase a lottery ticket or
27 share or a similar game, including an instant game, sponsored
28 by the State Lottery, in violation of section 309 of the act
29 of August 26, 1971 (P.L.351, No.91), known as the State
30 Lottery Law.

1 * * *

2 § 6310. Inducement of minors to buy liquor or malt or brewed
3 beverages or participate in gambling activities.

4 (a) Offense defined.--A person is guilty of a misdemeanor of
5 the third degree if he hires or requests or induces any minor
6 to:

7 (1) purchase, or offer to purchase, liquor or malt or
8 brewed beverages, as defined in section 6310.6 (relating to
9 definitions), from a duly licensed dealer for any purpose[.];

10 (2) enter or attempt to enter the gaming area of a
11 licensed facility or to wager at a slot machine or table
12 game;

13 (3) place a wager on the outcome of a horse race meeting
14 held at a racetrack or nonprimary location where pari-mutuel
15 wagering is conducted by a licensed racing entity; or

16 (4) purchase or participate in games of chance or
17 purchase a lottery ticket or share or a similar game,
18 including an instant game, sponsored by the State Lottery, in
19 violation of section 309 of the act of August 26, 1971
20 (P.L.351, No.91), known as the State Lottery Law.

21 * * *

22 § 6310.3. Carrying a false identification card.

23 (a) Offense defined.--A person commits a summary offense for
24 a first violation and a misdemeanor of the third degree for any
25 subsequent violation if he[,]:

26 (1) being under 21 years of age, possesses an
27 identification card falsely identifying that person by name,
28 age, date of birth or photograph as being 21 years of age or
29 older [or];

30 (2) being under 21 years of age, obtains or attempts to

1 obtain liquor or malt or brewed beverages by using the
2 identification card of another or by using an identification
3 card that has not been lawfully issued to or in the name of
4 that person who possesses the card[.];

5 (3) being under 21 years of age, enters or attempts to
6 enter a licensed facility or plays or wagers on a slot
7 machine or table game at a licensed facility by using the
8 identification card of another or an identification card that
9 was not lawfully issued to or in the name of the person who
10 possesses the card;

11 (4) being under 18 years of age, wagers on the outcome
12 of a horse race meeting held at a racetrack or nonprimary
13 location where pari-mutuel wagering is conducted by a
14 licensed racing entity by using the identification card of
15 another or an identification card that was not lawfully
16 issued to or in the name of the person who possesses the
17 card;

18 (5) being under 18 years of age, purchases or
19 participates in games of chance by using the identification
20 card of another or by using an identification card that has
21 not been lawfully issued to or in the name of that person who
22 possesses the card; or

23 (6) being under 18 years of age, purchases a lottery
24 ticket or share or a similar game, including an instant game,
25 sponsored by the State Lottery, in violation of section 309
26 of the act of August 26, 1971 (P.L.351, No.91), known as the
27 State Lottery Law, by using the identification card of
28 another or an identification card that was not lawfully
29 issued to or in the name of the person who possesses the
30 card.

1 * * *

2 § 6310.4. Restriction of operating privileges.

3 (a) General rule.--Whenever a person is convicted or is
4 adjudicated delinquent or is admitted to any preadjudication
5 program for a violation of section 6307 (relating to
6 misrepresentation of age to secure liquor or malt or brewed
7 beverages), 6307.1 (relating to misrepresentation of age to
8 participate in gambling activities), 6308 (relating to purchase,
9 consumption, possession or transportation of liquor or malt or
10 brewed beverages), 6308.1 (relating to underage gambling) or
11 6310.3 (relating to carrying a false identification card), the
12 court, including a court not of record if it is exercising
13 jurisdiction pursuant to 42 Pa.C.S. § 1515(a) (relating to
14 jurisdiction and venue), shall order the operating privilege of
15 the person suspended. A copy of the order shall be transmitted
16 to the Department of Transportation.

17 * * *

18 § 6310.5. Predisposition evaluation.

19 (a) General rule.--If an individual is convicted,
20 adjudicated delinquent or offered preadjudication disposition
21 for a violation of section 6307 (relating to misrepresentation
22 of age to secure liquor or malt or brewed beverages), 6307.1
23 (relating to misrepresentation of age to participate in gambling
24 activities), 6308 (relating to purchase, consumption, possession
25 or transportation of liquor or malt or brewed beverages), 6308.1
26 (relating to underage gambling) or 6310.3 (relating to carrying
27 a false identification card), the following shall apply:

28 (1) For a first violation of any of the preceding
29 offenses, the court may, in addition to other requirements,
30 require the individual to be evaluated prior to an

1 adjudication of delinquency, sentencing or receiving
2 preadjudication disposition.

3 (2) For a subsequent violation of any of the preceding
4 offenses, the court shall, in addition to other requirements,
5 require the individual to be evaluated prior to sentencing or
6 receiving preadjudication disposition.

7 (3) Evaluation under this subsection may consist of
8 evaluation techniques if deemed appropriate by the court to
9 determine the extent of the individual's involvement with
10 alcohol.

11 * * *

12 Section 3. Section 6310.6 of Title 18 is amended by adding
13 definitions to read:

14 § 6310.6. Definitions.

15 The following words and phrases when used in sections 6307
16 (relating to misrepresentation of age to secure liquor or malt
17 or brewed beverages) through 6310.3 (relating to carrying a
18 false identification card) shall have the meanings given to them
19 in this section unless the context clearly indicates otherwise:

20 "Agent." An employee, representative or contractor of:

21 (1) a licensed gaming entity or licensed racing entity;

22 (2) the State Horse and Harness Racing Commission;

23 (3) the Pennsylvania State Police or another law
24 enforcement agency;

25 (4) an eligible organization, tavern or restaurant that
26 is licensed to conduct games of chance under the act of
27 December 19, 1988 (P.L.1262, No.156), known as the Local
28 Option Small Games of Chance Act; or

29 (5) a lottery sales agent licensed in accordance with
30 the act of August 26, 1971 (P.L.351, No.91), known as the

1 State Lottery Law.

2 "Board." As defined in 4 Pa.C.S. § 1103 (relating to
3 definitions).

4 * * *

5 "Games of chance." As defined in section 103 of the Local
6 Option Small Games of Chance Act.

7 "Gaming service provider." As defined in 4 Pa.C.S. § 1103.

8 * * *

9 "Licensed facility." As defined in 4 Pa.C.S. § 1103.

10 "Licensed gaming entity." As defined in 4 Pa.C.S. § 1103.

11 "Licensed racing entity." As defined in section 2801-D of the
12 act of April 9, 1929 (P.L.177, No.175), known as The
13 Administrative Code of 1929.

14 * * *

15 "Nonprimary location." As defined in section 2801-D of The
16 Administrative Code of 1929.

17 "Other regulatory agency." The Pennsylvania State Police,
18 the Office of Attorney General and the Department of Revenue.

19 "Racetrack." As defined in section 2801-D of The
20 Administrative Code of 1929.

21 "Slot machine." As defined in 4 Pa.C.S. § 1103.

22 "Table game." As defined in 4 Pa.C.S. § 1103.

23 Section 4. This act shall take effect in 60 days.