

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 839 Session of 2017

INTRODUCED BY MURT, D. COSTA AND MILLARD, MARCH 13, 2017

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 13, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
 2 Consolidated Statutes, in sports and amusements, providing  
 3 for underage persons in licensed facilities and for underage  
 4 gambling; and making an inconsistent repeal.

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

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

9 § 7108. Underage persons in licensed facilities.

10 (a) Offense defined.--A person commits a summary offense if  
 11 the person, being under 21 years of age, enters and remains in  
 12 an area of a licensed facility where slot machines are operated  
 13 or the play of table games in conducted.

14 (b) Exception.--A person 18 to 21 years of age who is  
 15 employed by a slot machine licensee, a gaming service provider,  
 16 the board or any other regulatory or emergency response agency  
 17 may enter and remain in an area of a licensed facility while  
 18 acting within the scope of the person's employment or volunteer  
 19 duties.

1     (c) Diversionary program.--The magisterial district judge or  
2 any judicial authority with jurisdiction over the violation  
3 shall give first consideration to referring a person charged  
4 with a violation of subsection (a) to a diversionary program  
5 under 42 Pa.C.S. § 1520 (relating to adjudication alternative  
6 program) and the Pennsylvania Rules of Criminal Procedure. As  
7 part of the diversionary program, the magisterial district judge  
8 or any judicial authority with jurisdiction over the violation  
9 may order the person to participate in a counseling or treatment  
10 program for problem gambling. The program shall be administered  
11 by the single county authority created under the act of April  
12 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and  
13 Alcohol Abuse Control Act, or its designee. Upon completion of  
14 the program, the single county authority shall report to the  
15 magisterial district judge or the judicial authority with  
16 jurisdiction over the violation. If the person successfully  
17 completes the diversionary program, the court shall order that  
18 the person's records of the charge of violating this section be  
19 expunged as provided for under section 9122 (relating to  
20 expungement).

21     (d) Penalties.--A person convicted of an offense under  
22 subsection (a) shall be sentenced as follows:

23         (1) For a first offense, to pay a fine of not more than  
24         \$250.

25         (2) For a second offense, to pay a fine of not more than  
26         \$500 and perform not less than 20 hours of community service.

27         (3) For a third or subsequent offense, to pay a fine of  
28         not more than \$1,000 and perform not less than 50 hours of  
29         community service.

30     (e) Duties of board.--

1       (1) The board shall place the name of a person convicted  
2 of an offense under subsection (a) on the exclusion list  
3 established by the board under 4 Pa.C.S. § 1514 (relating to  
4 regulation requiring exclusion or ejection of certain  
5 persons) for the following time periods:

6           (i) For a first offense, a minimum of six months  
7 commencing on the date the individual reaches 21 years of  
8 age.

9           (ii) For a second offense, a minimum of one year  
10 commencing on the date the individual reaches 21 years of  
11 age.

12           (iii) For a third or subsequent offense, a minimum  
13 of two years commencing on the date the individual  
14 reaches 21 years of age.

15       (2) A person placed on the exclusion list under this  
16 section may not petition the board for removal from the list  
17 until the expiration of the exclusion period.

18       (f) Definitions.--As used in this section, the following  
19 words and phrases shall have the meanings given to them in this  
20 subsection unless the context clearly indicates otherwise:

21       "Board." The Pennsylvania Gaming Control Board established  
22 under 4 Pa.C.S. § 1201 (relating to Pennsylvania Gaming Control  
23 Board established).

24       "Licensed facility." As defined in 4 Pa.C.S. § 1103  
25 (relating to definitions).

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

27       "Table game." As defined in 4 Pa.C.S. § 1103.  
28 § 7109. Underage gambling.

29       (a) Offense defined.--A person commits a summary offense if  
30 the person, being under 21 years of age, wagers, plays or

1 attempts to wager or play a slot machine or table game at a  
2 licensed facility.

3 (b) Diversionary program.--The magisterial district judge or  
4 any judicial authority with jurisdiction over the violation  
5 shall give first consideration to referring a person charged  
6 with a violation of subsection (a) to a diversionary program  
7 under 42 Pa.C.S. § 1520 (relating to adjudication alternative  
8 program) and the Pennsylvania Rules of Criminal Procedure. As  
9 part of the diversionary program, the magisterial district judge  
10 or any judicial authority with jurisdiction over the violation  
11 may order the person to participate in a counseling or treatment  
12 program for problem gambling. The program shall be administered  
13 by a single county authority created under the act of April 14,  
14 1972 (P.L.221, No.63), known as the Pennsylvania Drug and  
15 Alcohol Abuse Control Act, or its designee. Upon completion of  
16 the program, the single county authority shall report to the  
17 magisterial district judge or the judicial authority with  
18 jurisdiction over the violation. If the person successfully  
19 completes the diversionary program, the court shall order that  
20 the person's records of the charge of violating this section be  
21 expunged as provided for under section 9122 (relating to  
22 expungement).

23 (c) Penalty.--A person convicted of an offense under  
24 subsection (a) shall be sentenced as follows:

25 (1) For a first offense, to pay a fine of not more than  
26 \$500.

27 (2) For a second offense, to pay a fine of not more than  
28 \$1,000 and perform not less than 40 hours of community  
29 service.

30 (3) For a third or subsequent offense, to pay a fine of

1 not more than \$2,000 and perform not less than 100 hours of  
2 community service.

3 (d) Duties of board.--

4 (1) The board shall place the name of an individual  
5 convicted of an offense under subsection (a) on the exclusion  
6 list established by the board under 4 Pa.C.S. § 1514  
7 (relating to regulation requiring exclusion or ejection of  
8 certain persons) for the following time periods:

9 (i) For a first offense, a minimum of one year  
10 commencing on the date the individual reaches 21 years of  
11 age.

12 (ii) For a second offense, a minimum of two years  
13 commencing on the date the individual reaches 21 years of  
14 age.

15 (iii) For a third or subsequent offense, a minimum  
16 of five years commencing on the date the individual  
17 reaches 21 years of age.

18 (2) A person placed on the exclusion list under this  
19 section may not petition the board for removal from the list  
20 until the expiration of the exclusion period.

21 (e) Forfeiture.--Any winnings received by a person from a  
22 wager or play at a licensed facility shall be subject to  
23 forfeiture to the General Fund and the person shall not have a  
24 property right in the winnings.

25 (f) Definitions.--As used in this section, the following  
26 words and phrases shall have the meanings given to them in this  
27 subsection unless the context clearly indicates otherwise:

28 "Board." The Pennsylvania Gaming Control Board established  
29 under 4 Pa.C.S. § 1201 (relating to Pennsylvania Gaming Control  
30 Board established).

1       "Licensed facility." As defined in 4 Pa.C.S. § 1103  
2       (relating to definitions).

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

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

5       Section 2. The provisions of 4 Pa.C.S. § 1518(b)(3) are  
6       repealed insofar as they are inconsistent with this act.

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