

2019 -- H 5757

LC001421

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- CASINO GAMING

Introduced By: Representatives Fellela, Williams, Serpa, Messier, and Lima

Date Introduced: February 27, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-61.3-2 of the General Laws in Chapter 42-61.3 entitled "Casino
2 Gaming" is hereby amended to read as follows:

3 **42-61.3-2. Casino gaming crimes.**

4 (a) Definitions as used in this chapter:

5 (1) "Casino gaming" shall have the meaning set forth in § 42-61.2-1(1).

6 (2) "Cheat" means to alter the element of chance, method of selection, or criteria which
7 determines:

8 (i) The result of the game;

9 (ii) The amount or frequency of payment in a game, including intentionally taking
10 advantage of a malfunctioning machine;

11 (iii) The value of a wagering instrument; or

12 (iv) The value of a wagering credit.

13 (3) "Cheating device" means any physical, mechanical, electromechanical, electronic,
14 photographic, or computerized device used in such a manner as to cheat, deceive, or defraud a
15 casino game. This includes, but is not limited to:

16 (i) Plastic, tape, string, or dental floss, or any other item placed inside a coin or bill
17 acceptor or any other opening in a video-lottery terminal in a manner to simulate coin or currency
18 acceptance;

19 (ii) Forged or stolen keys used to gain access to a casino game to remove its contents; and

1 (iii) Game cards or dice that have been tampered with, marked, or loaded.

2 (4) "Gaming facility" means any facility authorized to conduct casino gaming as defined
3 in § 42-61.2-1(1), including its parking areas and/or adjacent buildings and structures.

4 (5) "Paraphernalia for the manufacturing of cheating devices" means the equipment,
5 products, or materials that are intended for use in manufacturing, producing, fabricating,
6 preparing, testing, analyzing, packaging, storing, or concealing a counterfeit facsimile of the
7 chips, tokens, debit instruments, or other wagering devices approved by the division of state
8 lottery or lawful coin or currency of the United States of America. This term includes, but is not
9 limited to:

10 (i) Lead or lead alloy molds, forms, or similar equipment capable of producing a likeness
11 of a gaming token or United States coin or currency;

12 (ii) Melting pots or other receptacles;

13 (iii) Torches, tongs, trimming tools, or other similar equipment; and

14 (iv) Equipment that can be used to manufacture facsimiles of debit instruments or
15 wagering instruments approved by the division of state lottery.

16 (6) "Table game" shall have the meaning set forth in § 42-61.2-1(24).

17 (7) "Wager" means a sum of money or representative of value that is risked on an
18 occurrence for which the outcome is uncertain.

19 (b) Prohibited acts and penalties. It shall be unlawful for any person to:

20 (1) Use, or attempt to use, a cheating device in a casino game or to have possession of
21 such a device in a gaming facility. Any person convicted of violating this section shall be guilty
22 of a felony punishable by imprisonment for not more than ten (10) years or a fine of not more
23 than one hundred thousand dollars (\$100,000), or both;

24 (2) Use, acquire, or possess paraphernalia with intent to cheat, or attempt to use, acquire,
25 or possess, paraphernalia with the intent to manufacture cheating devices. Any person convicted
26 of violating this section shall be guilty of a felony punishable by imprisonment for not more than
27 ten (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or both;

28 (3) Cheat, or attempt to cheat, in order to take or collect money or anything of value,
29 whether for one's self or another, in or from a casino game in a gaming facility. Any person
30 convicted of violating this section shall be guilty of a felony punishable by imprisonment for not
31 more than ten (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or
32 both;

33 (4) Conduct, carry on, operate, deal, or attempt to conduct, carry on, operate, or deal, or
34 allow to be conducted, carried on, operated, or dealt, any cheating game or device. Any person

1 convicted of violating this section shall be guilty of a felony punishable by imprisonment for not
2 more than ten (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or
3 both;

4 (5) Manipulate or alter or attempt to manipulate or alter, with the intent to cheat, any
5 physical, mechanical, electromechanical, electronic, or computerized component of a casino
6 game, contrary to the designed and normal operational purpose for the component. Any person
7 convicted of violating this section shall be guilty of a felony punishable by imprisonment for not
8 more than ten (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or
9 both;

10 (6) Use, sell, or possess, or attempt to use, sell, or possess, counterfeit: coins, slugs,
11 tokens, gaming chips, debit instruments, player rewards cards, or any counterfeit wagering
12 instruments and/or devices resembling tokens, gaming chips, debit or other wagering instruments
13 approved by the division of state lottery for use in a casino game in a gaming facility. Any person
14 convicted of violating this section shall be guilty of a felony punishable by imprisonment for not
15 more than ten (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or
16 both;

17 (7)(i) Place, increase, decrease, cancel, or remove a wager or determine the course of play
18 of a table game, or attempt to place, increase, decrease, cancel, or remove a wager or determine
19 the course of play of a table game, with knowledge of the outcome of the table game where such
20 knowledge is not available to all players; or

21 (ii) Aid, or attempt to aid anyone in acquiring such knowledge for the purpose of placing,
22 increasing, decreasing, cancelling, or removing a wager or determining the course of play of the
23 table game. Any person convicted of violating this section shall be guilty of a felony punishable
24 by imprisonment for not more than ten (10) years or a fine of not more than one hundred
25 thousand dollars (\$100,000), or both;

26 (8) Claim, collect, or take, or attempt to claim, collect, or take, money or anything of
27 value in or from a casino game or gaming facility, with intent to defraud, or to claim, collect, or
28 take an amount greater than the amount won. Any person convicted of violating this section shall
29 be guilty of a felony punishable by imprisonment for not more than ten (10) years or a fine of not
30 more than one hundred thousand dollars (\$100,000), or both;

31 (9) For any employee of a gaming facility or anyone acting on behalf of or at the
32 direction of an employee of a gaming facility, to knowingly fail to collect, or attempt to fail to
33 collect, a losing wager or pay, or attempt to pay, an amount greater on any wager than required
34 under the rules of a casino game. Any person convicted of violating this section shall be guilty of

1 a felony punishable by imprisonment for not more than ten (10) years or a fine of not more than
2 one hundred thousand dollars (\$100,000), or both;

3 (10) Directly or indirectly offer, or attempt to offer, to conspire with another, or solicit, or
4 attempt to solicit, from another, anything of value, for the purpose of influencing the outcome of
5 a casino game. Any person convicted of violating this section shall be guilty of a felony
6 punishable by imprisonment for not more than ten (10) years or a fine of not more than one
7 hundred thousand dollars (\$100,000), or both;

8 (11) Use or possess, or attempt to use or possess, at a gaming facility, without the written
9 consent of the director of the division of state lottery, any electronic, electrical, or mechanical
10 device designed, constructed, or programmed to assist the user or another person with the intent
11 to:

12 (i) Predict the outcome of a casino game;

13 (ii) Keep track of the cards played;

14 (iii) Analyze and/or predict the probability of an occurrence relating to the casino game;
15 and/or

16 (iv) Analyze and/or predict the strategy for playing or wagering to be used in the casino
17 game. Any person convicted of violating this section shall be guilty of a felony punishable by
18 imprisonment for not more than ten (10) years or a fine of not more than one hundred thousand
19 dollars (\$100,000), or both;

20 (12) Skim, or attempt to skim, casino gaming proceeds by excluding anything of value
21 from the deposit, counting, collection, or computation of:

22 (i) Gross revenues from gaming operations or activities;

23 (ii) Net gaming proceeds; and/or

24 (iii) Amounts due the state pursuant to applicable casino gaming-related laws. Any
25 person convicted of violating this section shall be guilty of a felony punishable by imprisonment
26 for not more than ten (10) years or a fine of not more than one hundred thousand dollars
27 (\$100,000), or both;

28 (13) Cheat, or attempt to cheat, in the performance of his/her duties as a dealer or other
29 casino employee by conducting one's self in a manner that is deceptive to the public or alters the
30 normal random selection of characteristics or the normal chance or result of the game, including,
31 but not limited to, using cards, dice, or any cheating device(s) which have been marked, tampered
32 with, or altered. Any person convicted of violating this section shall be guilty of a felony
33 punishable by imprisonment for not more than ten (10) years or a fine of not more than one
34 hundred thousand dollars (\$100,000), or both;

1 (14) Possess or use, or attempt to use, without proper authorization from the state lottery
2 division, while in the gaming facility any key or device designed for the purpose of or suitable for
3 opening or entering any self-redemption unit (kiosk), vault, video-lottery terminal, drop box, or
4 any secured area in the gaming facility that contains casino gaming and/or surveillance
5 equipment, computers, electrical systems, currency, cards, chips, dice, or any other thing of value.
6 Any person convicted of violating this section shall be guilty of a felony punishable by
7 imprisonment for not more than ten (10) years or a fine of not more than one hundred thousand
8 dollars (\$100,000), or both;

9 (15) Tamper and/or interfere, or attempt to tamper and/or interfere, with any casino
10 gaming and/or surveillance equipment, including, but not limited to, related computers and
11 electrical systems. Any person convicted of violating this section shall be guilty of a felony
12 punishable by imprisonment for not more than ten (10) years or a fine of not more than one
13 hundred thousand dollars (\$100,000), or both;

14 (16) Access, interfere with, infiltrate, hack into, or infect, or attempt to access, interfere
15 with, infiltrate, hack into, or infect, any casino gaming-related computer, network, hardware
16 and/or software or other equipment. Any person convicted of violating this section shall be guilty
17 of a felony punishable by imprisonment for not more than ten (10) years or a fine of not more
18 than one hundred thousand dollars (\$100,000), or both;

19 (17) Sell, trade, barter, profit from, or otherwise use to one's financial advantage, or
20 attempt to sell, trade, barter, profit from, or otherwise use to one's financial advantage, any
21 confidential information related to casino-gaming operations, including, but not limited to, data
22 (whether stored on a computer's software, hardware, network, or elsewhere), passwords, codes,
23 surveillance and security characteristics and/or vulnerabilities, and/or non-public internal
24 controls, policies, and procedures related thereto. Any person convicted of violating this section
25 shall be guilty of a felony punishable by imprisonment for not more than ten (10) years or a fine
26 of not more than one hundred thousand dollars (\$100,000), or both;

27 (18) Conduct a gaming operation, or attempt to conduct a gaming operation, where
28 wagering is used or to be used without a license issued by or authorization from the division of
29 state lottery. Any person convicted of violating this section shall be guilty of a felony punishable
30 by imprisonment for not more than ten (10) years or a fine of not more than one hundred
31 thousand dollars (\$100,000), or both;

32 (19) Provide false information and/or testimony to the division of state lottery,
33 department of business regulation, or their authorized representatives and/or the state police while
34 under oath. Any person convicted of violating this section shall be guilty of a felony punishable

1 by imprisonment for not more than ten (10) years or a fine of not more than one hundred
2 thousand dollars (\$100,000), or both;

3 (20) Play a casino game and/or make a wager, or attempt to play a casino game and/or
4 make a wager, if under the age of ~~eighteen (18)~~ twenty-one (21) years. Any person charged under
5 this section shall be ~~referred to family court~~ subject to the penalties promulgated in § 42-61.3-5;
6 or

7 (21) Permit, or attempt to permit, a person to play a casino game and/or accept, or
8 attempt to accept, a wager from a person, if he/she is under the age of ~~eighteen (18)~~ twenty-one
9 (21) years. Any person convicted of violating this section be guilty of a misdemeanor punishable
10 by imprisonment for not more than one year or a fine of not more than one thousand dollars
11 (\$1,000), or both.

12 SECTION 2. Chapter 42-61.3 of the General Laws entitled "Casino Gaming" is hereby
13 amended by adding thereto the following section:

14 **42-61.3-5. Gambling by underage persons prohibited -- Civil penalty.**

15 (a) No person under the age of twenty-one (21) years old shall attempt or participate in
16 any form of legalized gambling found in any casino located in the state.

17 (b) Any minor person who violates this section shall be subject to a civil penalty as
18 follows:

19 (1) For a first violation a minor shall receive a mandatory written warning and be
20 required to attend the counseling program for problem gamblers available through the casino.

21 (2) For a second and any subsequent violation a minor shall be referred to family court
22 for appropriate punishment and be required to attend the counseling program for problem
23 gamblers provided by and available through the casino.

24 (c) Any person older than eighteen (18) years of age but younger than twenty-one (21)
25 years of age shall be punished as follows:

26 (1) For a first violation a mandatory written warning and be required to attend the
27 counseling program for problem gamblers available through the casino.

28 (2) For a second violation a mandatory one hundred dollar (\$100) fine and be required to
29 attend the counseling program for problem gamblers provided by and available through the
30 casino.

31 (3) For a third and subsequent violation a mandatory five hundred dollar (\$500) fine and
32 be required to attend the counseling program for problem gamblers provided by and available
33 through the casino.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO STATE AFFAIRS AND GOVERNMENT -- CASINO GAMING

1 This act would prohibit minors under the age of twenty-one (21) years old from engaging
2 in any type of legal casino gambling and be subject to civil penalties for violation.

3 This act would take effect upon passage.

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