

**GAMBLING AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel R. Liljenquist**

House Sponsor: Douglas C. Aagard

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**LONG TITLE**

**General Description:**

This bill modifies the Criminal Code regarding gambling offenses.

**Highlighted Provisions:**

This bill:

- ▶ includes the offense of "fringe gambling" as a criminal gambling offense; and
- ▶ provides definitions.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-10-1101**, as last amended by Laws of Utah 1998, Chapter 127

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **76-10-1101** is amended to read:

**76-10-1101. Definitions.**

[~~For the purpose of~~] As used in this part:

(1) "Anything of value" includes inconvenience, effort, time, cost of mailing, and transportation expenses.



28 (2) (a) "Fringe gambling" means any gambling, lottery, or video gaming device which  
29 is:

30 (i) given, conducted, or offered for use or sale by a business in exchange for anything  
31 of value; or

32 (ii) given away incident to the purchase of other goods or services.

33 (b) "Fringe gambling" does not include a gambling, lottery, video gaming device, or  
34 other promotional activity which is clearly occasional and ancillary to the primary activity of  
35 the business.

36 [~~(1)~~] (3) (a) "Gambling" means risking anything of value for a return or risking  
37 anything of value upon the outcome of a contest, game, gaming scheme, or gaming device  
38 when the return or outcome:

39 (i) is based upon an element of chance; and

40 (ii) is in accord with an agreement or understanding that someone will receive  
41 something of value in the event of a certain outcome[~~; and gambling~~].

42 (b) "Gambling" includes a lottery[~~; gambling~~] and fringe gambling.

43 (c) "Gambling" does not include:

44 [~~(a)~~] (i) [~~A~~] a lawful business transaction[~~; or~~]; or

45 [~~(b)~~] (ii) playing an amusement device that confers only an immediate and unrecorded  
46 right of replay not exchangeable for value.

47 [~~(2)~~] (4) "Gambling bet" means money, checks, credit, or any other representation of  
48 value.

49 [~~(3)~~] (5) "Gambling device or record" means anything specifically designed for use in  
50 gambling or used primarily for gambling.

51 [~~(4)~~] (6) "Gambling proceeds" means anything of value used in gambling.

52 [~~(5)~~] (7) "Lottery" means any scheme for the disposal or distribution of property by  
53 chance among persons who have paid or promised to pay any valuable consideration for the  
54 chance of obtaining property, or portion of it, or for any share or any interest in property, upon  
55 any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or  
56 chance, whether called a lottery, raffle, or gift enterprise, or by whatever name it [~~may be~~] is  
57 known.

58 [~~(6)~~] (8) "Video gaming device" means any device that possesses all of the following

- 59 characteristics:
- 60 (a) a video display and computer mechanism for playing a game;
- 61 (b) the length of play of any single game is not substantially affected by the skill,
- 62 knowledge, or dexterity of the player;
- 63 (c) a meter, tracking, or recording mechanism that records or tracks any money, tokens,
- 64 games, or credits accumulated or remaining;
- 65 (d) a play option that permits a player to spend or risk varying amounts of money,
- 66 tokens, or credits during a single game, in which the spending or risking of a greater amount of
- 67 money, tokens, or credits:
- 68 (i) does not significantly extend the length of play time of any single game; and
- 69 (ii) provides for a chance of greater return of credits, games, or money; and
- 70 (e) an operating mechanism that requires inserting money, tokens, or other valuable
- 71 consideration in order to function.
- 72 (9) Any gambling, lottery, video gaming device, or promotional game of chance which
- 73 is made available to the public for a period of more than 90 days within a one-year period is
- 74 fringe gambling.

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Legislative Review Note  
as of 2-3-09 2:53 PM

Office of Legislative Research and General Counsel

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**S.B. 169 - Gambling Amendments**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill may impact the Courts, however it is unquantifiable at this time.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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