

GAMBLING AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel R. Liljenquist

House Sponsor: Douglas C. Aagard

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] **This bill takes effect on April 1, 2010.** ←⌚

Utah Code Sections Affected:

AMENDS:

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

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.]~~ ←⌚

S.B. 169



28 ~~§~~→ ~~(2)~~ (1) ←~~§~~ (a) "Fringe gambling" means any gambling, lottery, or video gaming
28a 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)~~ (2) ←~~§~~ (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

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)~~ (3) ←~~§~~ "Gambling bet" means money, checks, credit, or any other
47a 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)~~ (5) ←~~§~~ "Gambling proceeds" means anything of value used in gambling.

52 ~~(5)~~ ~~§~~→ ~~(7)~~ (6) ←~~§~~ "Lottery" means any scheme for the disposal or distribution of
52a 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 [maybe] is
57 known.

58 ~~(6)~~ ~~§~~→ ~~(8)~~ (7) ←~~§~~ "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 **Ŝ→ ~~[(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.] ←Ŝ~~**

74a **Ĥ→ Section 2. Effective date.**

74b **This bill takes effect on April 1, 2010. ←Ĥ**

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

Office of Legislative Research and General Counsel

S.B. 169 - Gambling Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

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

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.
