

1 **INTERNET GAMBLING**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stephen E. Sandstrom**

5 Senate Sponsor: John L. Valentine

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7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Criminal Code regarding the definition of gambling.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines Internet gambling; and
- 13 ▶ clarifies that gambling, which is prohibited in Utah, includes any form of Internet
- 14 gambling.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 **AMENDS:**

21 **76-10-1101**, as last amended by Laws of Utah 2009, Chapter 382

22 **76-10-1102**, as last amended by Laws of Utah 1998, Chapter 127

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

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

26 **76-10-1101. Definitions.**

27 As used in this part:



28 (1) (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 (2) (a) "Gambling" means risking anything of value for a return or risking anything of  
37 value upon the outcome of a contest, game, gaming scheme, or gaming device when the return  
38 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.

42 (b) "Gambling" includes a lottery and fringe gambling.

43 (c) "Gambling" does not include:

44 (i) a lawful business transaction; or

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

47 (3) "Gambling bet" means money, checks, credit, or any other representation of value.

48 (4) "Gambling device or record" means anything specifically designed for use in  
49 gambling or used primarily for gambling.

50 (5) "Gambling proceeds" means anything of value used in gambling.

51 (6) "Internet gambling" or "online gambling" means gambling or gaming by use of:

52 (a) the Internet; or

53 (b) any mobile electronic device that allows access to data and information.

54 ~~(6)~~ (7) "Lottery" means any scheme for the disposal or distribution of property by  
55 chance among persons who have paid or promised to pay any valuable consideration for the  
56 chance of obtaining property, or portion of it, or for any share or any interest in property, upon  
57 any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or  
58 chance, whether called a lottery, raffle, or gift enterprise, or by whatever name it is known.

59           ~~[(7)]~~ (8) "Video gaming device" means any device that possesses all of the following  
60 characteristics:

- 61           (a) a video display and computer mechanism for playing a game;
- 62           (b) the length of play of any single game is not substantially affected by the skill,  
63 knowledge, or dexterity of the player;
- 64           (c) a meter, tracking, or recording mechanism that records or tracks any money, tokens,  
65 games, or credits accumulated or remaining;
- 66           (d) a play option that permits a player to spend or risk varying amounts of money,  
67 tokens, or credits during a single game, in which the spending or risking of a greater amount of  
68 money, tokens, or credits:
  - 69           (i) does not significantly extend the length of play time of any single game; and
  - 70           (ii) provides for a chance of greater return of credits, games, or money; and
- 71           (e) an operating mechanism that requires inserting money, tokens, or other valuable  
72 consideration in order to function.

73           Section 2. Section **76-10-1102** is amended to read:

74           **76-10-1102. Gambling.**

- 75           (1) A person is guilty of gambling if ~~[he]~~ the person:
  - 76           (a) participates in gambling, including any Internet gambling;
  - 77           (b) knowingly permits any gambling to be played, conducted, or dealt upon or in any  
78 real or personal property owned, rented, or under the control of the actor, whether in whole or  
79 in part; or
  - 80           (c) knowingly allows the use of any video gaming device that is:
    - 81           (i) in any business establishment or public place; and
    - 82           (ii) accessible for use by any person within the establishment or public place.
- 83           (2) Gambling is a class B misdemeanor, ~~[provided, however,]~~ except that any person  
84 who is ~~[twice]~~ convicted two or more times under this section ~~[shall be]~~ is guilty of a class A  
85 misdemeanor.

**Legislative Review Note**  
**as of 1-27-12 8:12 PM**

**Office of Legislative Research and General Counsel**