

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

## SENATE ENROLLED ACT No. 393

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AN ACT to amend the Indiana Code concerning gaming.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 4-32.3-4-2, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The commission may deny a license or reissuance of a license to an organization if the commission determines that at least one (1) of the following applies with respect to the organization:

- (1) The organization has:
  - (A) violated a local ordinance, a state or federal statute, or an administrative rule or regulation and the violation would cause the commission to determine that the applicant, a key person, or a substantial owner of the applicant is not of good moral character or reputation; or
  - (B) committed any other act that would negatively affect the integrity of charity gaming in Indiana.
- (2) The organization has engaged in fraud, deceit, or misrepresentation.
- (3) The organization has failed to provide information required by this article or a rule adopted under this article.
- (4) The organization has failed to provide sufficient information to enable the commission to determine that the organization is a qualified organization.
- (5) Conduct prejudicial to public confidence in the commission

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for or any reason deemed necessary by the commission to ensure the integrity of charitable gaming in Indiana.

SECTION 2. IC 4-32.3-4-5, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The commission may issue an annual activity license to a qualified organization if the qualified organization:

- (1) meets the requirements of this section;
- (2) submits an application; and
- (3) pays a fee set by the commission under IC 4-32.3-6.

(b) The following information must be included in an annual activity license:

- (1) Whether the qualified organization is authorized to conduct bingo, pull tabs, punchboards, tip boards, or raffle activities on more than one (1) occasion during a one (1) year period.
- (2) The location of the allowable activities.
- (3) The expiration date of the license.

(c) A qualified organization may conduct casino game night activities under an annual activity license if the requirements of subsections (a) and (b) are met, and:

- (1) the organization is a qualified veteran **organization** or fraternal organization; and
- (2) the annual casino night license requires that a facility or location may not be used for purposes of conducting an annual casino game night activity on more than three (3) calendar days per calendar week regardless of the number of qualified organizations conducting annual casino night activities at the facility or location.

(d) An annual activity license may be reissued annually upon the submission of an application for reissuance on a form prescribed by the commission after the qualified organization has paid the fee under IC 4-32.3-6.

SECTION 3. IC 4-32.3-4-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5.5. (a) The commission may issue an annual casino night license to a bona fide civic organization for casino game night activities if:**

- (1) the requirements of section 5(a) and 5(b) of this chapter are met;**
- (2) not more than three (3) qualified organizations in the county where the bona fide civic organization operates currently possess an annual casino night license; and**
- (3) the bona fide civic organization owns or leases a**



standalone building where the casino game night activities will be conducted.

(b) The number of bona fide civic organizations holding a license issued under this section in a particular county may not exceed one (1). In determining whether to grant a license under this section to a bona fide civic organization, the commission shall consider:

- (1) the character and reputation of the bona fide civic organization in furthering its charitable purpose; and
- (2) the bona fide civic organization's experience with and compliance in casino game night activities.

If more than one (1) otherwise qualified bona fide civic organization applies for a license under this section, the commission may award the license based on a random drawing.

(c) A license issued under this section to a bona fide civic organization described in subsection (a) is valid for a period of two (2) years, subject to ongoing compliance with this article and commission rules.

SECTION 4. IC 4-32.3-4-16, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16. (a) This section applies only to a qualified organization that is a bona fide veterans organization.

(b) The commission may issue a three (3) year charity gaming license, for any license issued under this chapter, to a qualified organization if:

- (1) the provisions of this section are satisfied; and
- (2) for each license held by the qualified organization, the organization:
  - (A) submits a report to the commission that includes:
    - (i) information described in section 15(b)(1) through 15(b)(7) of this chapter;
    - (ii) a financial report; and
    - (iii) a gross receipts report; and
  - (B) pays the applicable fees under IC 4-32.3-6-3.

(c) A license issued under this section authorizes a qualified organization to conduct any of the following allowable events:

- (1) A bingo event.
- (2) A ~~charity~~ casino game night.
- (3) A raffle.
- (4) A festival.
- (5) A sale of pull tabs, punchboards, or tip boards.
- (6) Other gambling activities authorized under section 11 of this



chapter.

(d) A license issued under this section:

- (1) must state the expiration date of the license; and
- (2) may be reissued after the expiration of the three (3) year period upon the submission of an application for reissuance on the form established by the commission and upon the licensee's payment of a fee in the amount set by IC 4-32.3-6-7.5.

SECTION 5. IC 4-32.3-5-11, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) Except as provided in subsections (c) through (e), an operator or a worker may not directly or indirectly participate, other than in a capacity as an operator or a worker, in an allowable activity that the operator or worker is conducting.

(b) A patron at a casino game night may deal the cards in a card game if:

- (1) the card game in which the patron deals the cards is a qualified card game;
- (2) the patron deals the cards in the manner required in the ordinary course of the qualified card game; and
- (3) the qualified card game is played under the supervision of the qualified organization conducting the ~~charity~~ **casino** game night in accordance with section 12 of this chapter (in the case of a game of Texas hold'em poker or Omaha poker) and any rules adopted by the commission.

A patron who deals the cards in a qualified card game conducted under this subsection is not considered a worker or an operator for purposes of this article.

(c) A worker at a festival event may participate as a player in any gaming activity offered at the festival event except as follows:

- (1) A worker may not participate in any game during the time in which the worker is conducting or helping to conduct the game.
- (2) A worker who conducts or helps to conduct a pull tab, punchboard, or tip board event during a festival event may not participate as a player in a pull tab, punchboard, or tip board event conducted on the same calendar day.

(d) A worker at a bingo event:

- (1) whose duties are limited to:
  - (A) selling bingo supplies;
  - (B) selling tickets for a raffle conducted at the bingo event; or
  - (C) the duties described in both clauses (A) and (B);
- (2) who has completed all of the worker's duties before the start of the first bingo game of the bingo event; and



(3) who is not engaged as a worker at any other time during the bingo event;  
 may participate as a player in any gaming activity offered at the bingo event following the completion of the worker's duties at the bingo event.

(e) A worker at a raffle conducted by a qualified organization ~~holding an annual activity license~~ may purchase a raffle ticket for a particular drawing at the raffle unless:

- (1) the worker personally sold tickets for; or
- (2) the worker otherwise personally participated in the conduct of; that particular drawing.

SECTION 6. IC 4-32.3-5-13, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) ~~For purposes of this section; To be an operator is considered to be a member in good standing of the a qualified organization: if:~~

- ~~(1) the operator is an Indiana resident;~~
- ~~(2) (1) the operator has been an individual must be a member in good standing of a bona fide national the qualified organization that is related to the bona fide national foundation for at least sixty (60) days; and~~
- ~~(3) (2) the operator's authority to serve as an operator for the qualified organization has must have been acknowledged by the qualified organization on a form prescribed by the commission.~~

~~(b) An operator must be a member in good standing of the qualified organization that is conducting the allowable activity for at least six (6) months at the time of the allowable activity.~~

SECTION 7. IC 4-32.3-5-14, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) Except as provided in:

- (1) section 8(c) of this chapter;
  - (2) section 13 of this chapter; and
  - (3) subsection (c);
- a worker at an allowable event must be a member in good standing of the qualified organization that is conducting the allowable activity for at least thirty (30) days before the allowable activity.

(b) For purposes of this section, an individual is considered to be a member in good standing of the qualified organization if:

- ~~(1) the individual is an Indiana resident;~~
- ~~(2) (1) the individual has been a member in good standing of a bona fide national the qualified organization that is related to the bona fide national foundation for at least thirty (30) days; and~~



~~(3)~~ (2) the individual's authority to serve as a worker for the qualified organization has been acknowledged by the qualified organization on a form prescribed by the commission.

(c) A qualified organization may allow an individual who is not a member of the qualified organization to participate in an allowable activity as a worker if the individual is a full-time employee of the qualified organization that is conducting the allowable activity; or if:

(1) the individual is a member of another qualified organization; and

(2) the individual's participation is approved by the commission.

A qualified organization may apply to the commission on a form prescribed by the commission for approval of the participation of a nonmember under this subsection. A qualified organization may share the proceeds of an allowable activity with the qualified organization in which a worker participating in the allowable activity under this subsection is a member. The tasks that will be performed by an individual participating in an allowable activity under this subsection and the amounts shared with the individual's qualified organization must be described in the application and approved by the commission.

(d) For purposes of:

(1) the licensing requirements of this article; and

(2) section 9 of this chapter;

a qualified organization that receives a share of the proceeds of an allowable activity described in IC 4-32.3-4-14(a) is not considered to be conducting an allowable activity.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

