
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 969 Session of
2015

INTRODUCED BY HUGHES, TEPLITZ, VULAKOVICH AND BROWNE,
AUGUST 13, 2015

REFERRED TO JUDICIARY, AUGUST 13, 2015

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for underage gambling; and
3 making related repeals.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 7108. Underage gambling.

9 (a) Offense defined.--An individual commits a summary
10 offense if the individual is less than 21 years of age and
11 wagers, plays or attempts to wager or play a slot machine or
12 table game at a licensed facility.

13 (b) Penalty.--An individual who commits an offense under
14 subsection (a) shall be sentenced as follows:

15 (1) For a first offense:

16 (i) a fine of at least \$500 and no more than \$1,500;

17 (ii) not less than 40 hours of community service;

18 and

1 (iii) compliance with the problem gambling
2 evaluation and treatment requirements imposed under
3 subsection (d).

4 (2) For a second offense:

5 (i) a fine of at least \$1,000 and no more than
6 \$2,000;

7 (ii) at least 100 hours of community service; and

8 (iii) compliance with the problem gambling
9 evaluation and treatment requirements imposed under
10 subsection (d).

11 (3) For a third or subsequent offense:

12 (i) a fine of at least \$2,000 and no more than
13 \$5,000;

14 (ii) no less than 200 hours of community service;
15 and

16 (iii) compliance with the problem gambling
17 evaluation and treatment requirements imposed under
18 subsection (d).

19 (c) Duties of board.--The board shall place the name of an
20 individual convicted of an offense under this section on the
21 exclusion list established by the board under 4 Pa.C.S. § 1514
22 (relating to regulation requiring exclusion or ejection of
23 certain persons) for the following time periods:

24 (1) For a first offense, a period of two years
25 commencing on the date the individual reaches 21 years of
26 age.

27 (2) For a second offense, a period of five years
28 commencing on the date the individual reaches 21 years of
29 age.

30 (3) For a third or subsequent offense, a period of 10

1 years commencing on the date the individual reaches 21 years
2 of age.

3 An individual placed on the exclusion list under this section
4 shall be ineligible to petition the board for removal from the
5 list until the expiration of exclusion period under this
6 section.

7 (d) Problem gambling evaluation.--If a defendant is
8 convicted, adjudicated or pleads guilty or no contest to a
9 violation of this section, the court may delay sentencing,
10 including admission to an adjudication alternative under
11 subsection (f), to require the defendant to be evaluated in a
12 manner deemed appropriate by the court to determine the extent
13 of the defendant's involvement with gambling and to assist the
14 court in determining whether there is a need for counseling or
15 treatment as part of the defendant's sentence or preadjudication
16 disposition. The evaluation shall be conducted by one of the
17 following and shall include recommendations for levels of care
18 and follow-up care and monitoring:

19 (1) The Department of Health or its designee.

20 (2) A county agency offering gambling addiction
21 treatment programs or its designee.

22 (3) The clinical personnel of a facility licensed by the
23 Department of Health for the conduct of gambling addiction
24 treatment programs.

25 (e) Court-ordered intervention or treatment.--If the court
26 admits a defendant to an adjudication alternative under
27 subsection (f) or orders a defendant to attend gambling
28 addiction counseling or treatment under subsection (d), the
29 court shall submit a record to the Department of Transportation
30 advising the department of the order. If the court imposes an

1 adjudication alternative or orders gambling addiction counseling
2 or treatment, a report shall be forwarded to the Department of
3 Transportation as to whether the defendant successfully
4 completed the adjudication alternative program or the gambling
5 addiction counseling or treatment. If a defendant fails to
6 successfully complete the program, counseling or treatment as
7 ordered by the court, the defendant's motor vehicle operating
8 privilege suspension shall remain in effect until the Department
9 of Transportation is notified by the court that the defendant
10 successfully completed the program, counseling or treatment and
11 the defendant is otherwise eligible for restoration of his
12 operating privilege. In order to implement the recordkeeping
13 requirements of this section, the Department of Transportation
14 and the court shall work together to exchange pertinent
15 information about a defendant's case, including attendance and
16 completion of the program, counseling or treatment or failure to
17 complete a program, counseling or treatment.

18 (f) Preadjudication disposition.--The following apply:

19 (1) When a person is charged with violating subsection
20 (a), a court may admit the offender to an adjudication
21 alternative as authorized in 42 Pa.C.S. § 1520 (relating to
22 adjudication alternative program) or another preadjudication
23 disposition if the offender has not previously received a
24 preadjudication disposition for violating subsection (a).

25 (2) The use of an adjudication alternative shall be
26 considered a first or subsequent offense, whichever is
27 applicable, for the purpose of further adjudication under
28 this section.

29 (g) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this

1 subsection unless the context clearly indicates otherwise:

2 "Board." The Pennsylvania Gaming Control Board established
3 under 4 Pa.C.S. § 1201 (relating to Pennsylvania Gaming Control
4 Board established).

5 "Licensed facility." As defined in 4 Pa.C.S. § 1103
6 (relating to definitions).

7 "Slot machine." As defined in 4 Pa.C.S. § 1103.

8 "Table game." As defined in 4 Pa.C.S. § 1103.

9 Section 2. Repeals are as follows:

10 (1) 4 Pa.C.S. § 1518(a)(13.1) is repealed.

11 (2) 4 Pa.C.S. § 1518(b)(3) is repealed insofar as it is
12 inconsistent with this act.

13 Section 3. This act shall take effect in 60 days.