

2021 -- H 5399

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO CRIMINAL OFFENSES -- GAMBLING AND LOTTERIES

Introduced By: Representative William W. O'Brien

Date Introduced: February 05, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-19-1 and 11-19-19 of the General Laws in Chapter 11-19 entitled  
2 "Gambling and Lotteries" are hereby amended to read as follows:

3 **11-19-1. Forms of gambling prohibited.**

4 Every person who shall, directly or indirectly, set up, put forth, carry on, promote, or draw,  
5 publicly or privately, any lottery, chance, game, or device of any nature or kind whatsoever, or by  
6 whatsoever name it may be called, for the purpose of exposing, setting for sale or disposing of any  
7 money, houses, lands, merchandise, or articles of value, or shall sell or expose to sale lottery  
8 policies, purporting to be governed by the drawing of any public or private lottery, or shall sign or  
9 endorse any book, document, or paper whatsoever, for the purpose of enabling others to sell, or  
10 expose to sale, lottery policies, except as authorized in this chapter and in title 41 and chapters 61  
11 and 61.2 of title 42, shall be deemed guilty of a felony and shall be imprisoned not exceeding two  
12 (2) years or be fined not exceeding two thousand dollars (\$2,000); provided, however, that any  
13 violation of §§ 11-19-46 or 11-19-47 shall be a civil violation and punishable by a fine of one dollar  
14 (\$1.00).

15 **11-19-19. Revocation of license of gambling place.**

16 If a person in violation of § 11-19-18 is a tavernkeeper, innholder, retailer, or keeper of any  
17 other house or place of public resort which is licensed, that license shall in addition be declared  
18 null and void by the court in which he or she shall be convicted; provided, however, that this section  
19 shall not apply to any violation of §§ 11-19-46 or 11-19-47.

1 SECTION 2. Chapter 11-19 of the General Laws entitled "Gambling and Lotteries" is  
2 hereby amended by adding thereto the following sections:

3 **11-19-46. Social gaming permitted.**

4 (a) Social gaming defined herein as a game other than a lottery, between players where  
5 gambling is incidental to a bona fide social relationship between participants and where no person  
6 other than the players participating in the social game are entitled to receive anything of value and  
7 provided that none of the participants are involved with professional gambling, shall be permitted  
8 under this chapter.

9 (b) No host of a social game under this chapter shall be guilty of promoting a form of illegal  
10 gambling when the host, in a private residence, offers gaming allowable under subsection (a) of  
11 this section; provided, that the participants are invitees of the owner/tenant, and the owner/tenant  
12 derives no monetary benefit, in the form of entry fees, and does not intend to derive a profit from  
13 aiding or inducing another to gamble by hosting the event; provided, however, that the host may  
14 benefit from being a participant in the game.

15 **11-19-47. Places social gambling permitted.**

16 (a) Notwithstanding any general law to the contrary, it shall not be illegal for any private  
17 business, private club or place of public accommodation to allow on its premises:

18 (1) Social gaming allowed under § 11-19-46; provided, that the owner or operator of the  
19 premises derives no monetary benefit from and does not intend to derive a profit from aiding or  
20 inducing another to gamble by allowing the gaming to occur on the premises; or

21 (2) The running of "office pools" based on the result or occurrence of a social or sporting  
22 event; provided that:

23 (i) No money is withheld from the amount paid by the participants by the operator or the  
24 promoter of the pool;

25 (ii) All monies paid by the participants, as an entry fee or otherwise, are paid out to the  
26 winner(s) based on the result of the pool;

27 (iii) That prior to participation each entrant has an equal chance to win the pool;

28 (iv) Participants must be of legal age to gamble as provided for in this title; and

29 (v) That holders of liquor licenses who desire to are required to apply for a permit to  
30 conduct such activities as part of the liquor license. Such holders shall pay a fee of one hundred  
31 dollars (\$100) for said permit to the department of business regulation and display the permit  
32 prominently along with their liquor license.

33 (b) Notwithstanding subsection (a) of this section, a nonprofit organization may petition  
34 the state police to run a pool, in the same manner as prescribed in § 11-19-31, and withhold an

1 amount of the money in the pool for its charitable purposes, as long as:

2 (1) The percentage of the money to be withheld from the total amount of the pool does not  
3 exceed twenty-five percent (25%) and is clearly spelled out prior to the entrants' participation;

4 (2) No outside agent or professional fundraisers derive a profit from the activity; and

5 (3) The disbursement of proceeds is limited to the pool winner(s), de minimis expense  
6 incurred in running the pool, and the charity itself.

7 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would allow social gaming in private residences and in public taverns or private  
2 clubs as long as the gambling is incidental to a bona fide social relationship between the participants  
3 and as long as no person other than the participants receive anything of value. It would provide that  
4 no entry fees or proceeds from the gaming activity be payable to the house, host, owner, or manager  
5 of the establishment or residence, provided that a social host in a private residence, under § 11-19-  
6 46, may participate in the game.

7           This act would take effect upon passage.

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