

2018 -- H 7339

LC003996

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO CRIMINAL OFFENSES -- GAMBLING AND LOTTERIES

Introduced By: Representatives O'Brien, McEntee, McNamara, Johnston, and Amore

Date Introduced: January 31, 2018

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
2 entitled "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
5 draw, publicly or privately, any lottery, chance, game, or device of any nature or kind
6 whatsoever, or by whatsoever name it may be called, for the purpose of exposing, setting for sale
7 or disposing of any money, houses, lands, merchandise, or articles of value, or shall sell or expose
8 to sale lottery policies, purporting to be governed by the drawing of any public or private lottery,
9 or shall sign or endorse any book, document, or paper whatsoever, for the purpose of enabling
10 others to sell, or expose to sale, lottery policies, except as authorized in this chapter, including,
11 but not limited to, §§ 11-19-46 and 11-19-47, and in title 41 and chapters 61 and 61.2 of title 42,
12 shall be deemed guilty of a felony and shall be imprisoned not exceeding two (2) years or be
13 fined not exceeding two thousand dollars (\$2,000).

14 **11-19-19. Revocation of license of gambling place.**

15 If a person in violation of ~~§~~ §§ 11-19-18 or 11-19-47 is a tavernkeeper, innholder,
16 retailer, or keeper of any other house or place of public resort which is licensed, that license shall
17 in addition be declared null and void by the court in which he or she shall be convicted.

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

1 **11-19-46. Social gaming permitted.**

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

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

12 **11-19-46. Places social gambling permitted.**

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

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

18 (2) The running of "office pools" based on the result or occurrence of a social or sporting
19 event, provided that:

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

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

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

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

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

30 (b) Notwithstanding subsection (a) of this section, a nonprofit organization may petition
31 the state police to run a pool, in the same manner as proscribed in § 11-19-31, and withhold an
32 amount of the money in the pool for its charitable purposes, as long as:

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

- 1 (2) No outside agent or professional fundraisers derive a profit from the activity; and
2 (3) The disbursement of proceeds is limited to the pool winner, de minimis expense
3 incurred in running the pool, and the charity itself.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES -- GAMBLING AND LOTTERIES

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

6 This act would take effect upon passage.

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