

2018 Regular Session

SENATE BILL NO. 322

BY SENATOR MARTINY

GAMING. Provides relative to a public referendum on internet gaming. (See Act)

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AN ACT

To enact R.S. 27:4 and R.S. 14:90.3(J), relative to gaming; to provide for internet gaming; to provide for a referendum election in any parish seeking internet gaming; to provide relative to the powers and duties of the Louisiana Gaming Control Board; to provide for rulemaking; to provide for definitions; to provide for an exception to the crime of gambling by computer; to provide for effective dates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:4 is hereby enacted to read as follows:

§4. Internet gaming

A.(1) Notwithstanding any provision of law to the contrary, no internet gaming shall be allowed in any parish unless the operation and conduct of internet gaming is approved at an election held for such purpose, pursuant to Article XII, Section 6(C) of the Constitution of Louisiana.

(2) The proposition to be printed on the ballot for an election in any parish to allow internet gaming shall be: "Shall internet gaming be allowed to be conducted within the parish of _____?" and the voters shall vote for or

1 against the proposition, a vote for the proposition being a "Yes" vote and a vote
2 against the proposition being a "No" vote. The election shall be conducted as
3 provided in Chapter 6-B of the Louisiana Election Code.

4 (3) For the purposes of this Title, "internet gaming" shall mean any
5 variation or composite of an authorized game that is offered through the
6 internet, provided that such games, or variations or composites, are found
7 suitable for use by the board and any other game which is determined to be
8 suitable by the board. The term includes gaming tournaments conducted via the
9 internet in which players compete against one another in one or more games
10 authorized by the board or in approved variations or composites thereof if the
11 tournament is authorized by the board.

12 B. If a majority of those voting in a parish vote in favor of the
13 proposition, the parish governing authority shall promptly notify the board.
14 The board and division shall adopt, pursuant to the Administrative Procedure
15 Act, all rules necessary to implement, administer, and regulate internet gaming.

16 Section 2. R.S. 14:90.3(J) is hereby enacted to read as follows:

17 §90.3. Gambling by computers

18 * * *

19 J.(1) Wagering through the internet by a patron who is over the age of
20 twenty-one and physically located at the time the wager is placed in a parish
21 that has approved a referendum on internet gaming shall not be considered
22 gambling by computer the purposes of this Section, so long as the wager is
23 placed with an entity that is licensed for operation and regulated under the
24 provisions of Chapter 4 or 5 of Title 27 of the Louisiana Revised Statutes of
25 1950.

26 (2) The acceptance of a wager through the internet by an entity that is
27 licensed for operation and regulated under the provisions of Chapter 4 or 5 of
28 Title 27 of the Louisiana Revised Statutes of 1950 shall not be considered
29 gambling by computer for the purposes of this Section, so long as the wager is

1 placed by a patron who is over the age of twenty-one.

2 (3) For purposes of this Section, "patron" shall mean a client who has
 3 established a wagering account with an entity licensed for operation and
 4 regulated under the provisions of Chapters 4 or 5 of Title 27 of the Louisiana
 5 Revised Statutes of 1950.

6 Section 3. Section 2 of this Act shall become effective on January 1, 2020.

7 Section 4. Sections 1, 3, and this Section shall become effective July 1, 2018.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ashley Menou.

DIGEST

SB 322 Original

2018 Regular Session

Martiny

Present law provides that no law authorizing a new form of gaming in any parish shall be effective until approved by a referendum election.

Proposed law retains present law.

Proposed law provides that internet gaming shall not take place in any parish unless internet gaming is approved in a parish by a referendum election.

Proposed law provides that in any parish seeking to authorize internet gaming, there shall be a referendum election on a proposition that shall read "Shall internet gaming be allowed to be conducted within the parish of _____?"

Proposed law defines "internet gaming" as any variation or composite of an authorized game that is offered through the internet, provided that such games, or variations or composites, are found suitable for use by the board and any other game which is determined to be suitable by the board. The term includes gaming tournaments conducted via the internet in which players compete against one another in one or more games authorized by the board or in approved variations or composites thereof if the tournament is authorized by the board.

Proposed law provides that if internet gaming is approved in a parish, the Louisiana Gaming Control Board and gaming division of the office of state police shall promulgate all rules necessary to implement, administer, and regulate internet gaming.

Present law provides that the crime of gambling by computer is the intentional conducting, or directly assisting in the conducting as a business of any game, contest, lottery, or contrivance whereby a person risks the loss of anything of value in order to realize a profit when accessing the internet, World Wide Web, or any part thereof by way of any computer, computer system, computer network, computer software, or any server.

Proposed law provides an exception to present law for certain internet gaming. Provides that wagering through the internet by a patron who is over 21 and physically located at the time the wager is placed in a parish that has approved a referendum on internet gaming shall not be considered gambling by computer for the purposes of present law, so long as the wager is placed with a riverboat casino or land-based casino licensed by the La. Gaming Control Board. Proposed law also allows the acceptance of the wager by the licensed riverboat or land-based casino. Defines "patron" as a client who has established a wagering account with a licensed riverboat or land-based casino.

Proposed law provisions regarding the referendum election become effective July 1, 2018.

Proposed law provisions regarding the exceptions to present law to allow internet gaming in certain parishes becomes effective January 1, 2020.

(Adds R.S. 27:4 and R.S. 14:90.3(J))