

HOUSE SUMMARY OF SENATE AMENDMENTS

Digest of Bill as Finally Passed by the Senate

Perkins

HB No. 2480

Proposed law creates the crime of gambling by computer.

Proposed law further provides definitions for clients, computers, computer networks, services, software and systems, home pages, the Internet, servers, and the World Wide Web.

Proposed law defines gambling by computer as 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 using any computer, computer system, computer network, computer software, or any server accessing the Internet, World Wide Web, or any part thereof.

Proposed law further provides a penalty for gambling by computer of a fine of not more than \$500 or imprisonment for not more than six months, or both.

Proposed law provides that anyone who designs, develops, manages, supervises, maintains, provides, or produces any computer services, computer system, computer network, computer software, or any server providing a Home Page, Web Site, or any other product accessing the Internet, World Wide Web, or any part thereof offering to any client the conducting of any game, contest, lottery, or contrivance whereby a person risks the loss of anything of value in order to realize a profit shall be fined not more than \$20,000, or imprisoned with or without hard labor for not more than five years, or both.

Proposed law creates exceptions for the operation of a state lottery and for gaming activities or operations on riverboats, at the land-based casino, on video draw poker devices, by charitable gaming licensees, or at pari-mutuel wagering facilities, so long as the wagering is done on the premises of the licensed establishment, and further specifies that the conducting or assisting in conducting of pari-mutuel wagering at licensed racing facilities shall not be considered gambling by computer.

Proposed law creates an additional exception for the purchase, sale, exchange, or other transaction related to stocks, bonds, futures, options, commodities, or other similar instruments or transactions occurring on a stock or commodities exchange, brokerage house, or similar entity.

Proposed law requires all advertising of gaming or gambling activities to contain the following warning: "GAMBLING CAN BE ADDICTIVE".

Proposed law applies to all forms of gaming and gambling, including but not limited to riverboat gaming, land-based casino gaming, video draw poker device gaming, and the state lottery.

Proposed law defines person, whoever, those in violation, and offender, to mean those licensed to operate gaming aboard a riverboat, land based casinos, video draw poker establishments, and the state lottery.

Proposed law creates exceptions for pari-mutuel wagering on horse racing and for charitable raffles, bingo and keno and related charitable gaming authorized pursuant to present law.

Proposed law provides that advertisements in printed material must contain the warning in type that can be read by a person with normal vision who reads the advertisement under normal conditions; that advertisements on radio broadcasts must contain the warning at a volume and speed that can be heard by a person with normal hearing who hears the advertisement under normal conditions; and that advertisements on television broadcasts must contain the warning in a manner which complies with both of the above requirements.

Proposed law provides an exception for signs located on the premises of gaming or gambling establishments.

Proposed law provides a criminal penalty of a fine of up to \$1,000.

Proposed law provides that sanctions may be imposed upon violators by the agency which regulates the gaming or gambling activity with regard to which the violation occurred; proposed law provides that the regulatory agency may, suspend, revoke, or refuse to renew the license, permit, or certificate held by the offender.

Gambling advertising requirements effective January 1, 1998.

(Adds R.S. 14:90.3 and 27:401- 403)

Summary of Amendments Adopted by Senate

1. Adds language regulating gambling advertising and providing that certain gambling advertising must contain the warning "GAMBLING CAN BE ADDICTIVE"
2. Adds effective date of January 1, 1998 for gambling advertising requirements.
3. Adds provision that gambling by computer be conducted as a business in order to be a criminal activity.
4. Excepts from the crime of gambling by computer the conducting a state lottery.
5. Excepts from the crime of gambling by computer the purchase, sale, exchange, or other transaction related to stocks, bonds, futures, options, commodities, or other similar instruments.
6. Provides that the exception from the crim of gambling by computer for pari-mutuel wagering at licensed racing facilities is applicable only so long as the wagering is done on the licensed premises.