

2016 Regular Session

SENATE BILL NO. 322

BY SENATOR MORRELL

VIDEO POKER. Provides relative to revocation of a video draw poker device license for certain violations. (8/1/16)

1 AN ACT

2 To amend and reenact R.S. 27:443(B)(1)(a)(ii) and (b)(iii), relative to penalties for certain  
3 violations of the Video Draw Poker Devices Control Law; to provide with respect  
4 to the revocation or suspension of a license for certain violations; to provide for a  
5 hearing; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 27:443(B)(1)(a)(ii) and (b)(iii) are hereby amended and reenacted to  
8 read as follows:

9 §443. Allowing underage persons to play video draw poker devices; penalties;  
10 revocation of license hearing

11 \* \* \*

12 B.(1) Violations of Subsection A of this Section shall be penalized by the  
13 division as follows:

14 (a) For allowing a person under the age of twenty-one to play or operate a  
15 video draw poker device at a licensed establishment, unless the licensee, his  
16 employee, or agent reasonably believed that the person was twenty-one years old or  
17 older:

1 \* \* \*

2 (ii) For a third or subsequent violation, a license revocation **hearing** shall be  
 3 conducted at which time the board shall determine whether or not there are  
 4 extenuating circumstances pursuant to which a license suspension or revocation  
 5 should not be imposed. At the conclusion of the hearing, the board may revoke  
 6 or suspend a license or impose a fine pursuant to R.S. 27:15(F).

7 (b) For allowing a person under the age of twenty-one to play or operate a  
 8 video draw poker device at a licensed establishment when the licensee, his employee,  
 9 or agent is shown to have known or reasonably believed he was allowing a person  
 10 under the age of twenty-one years old to play or operate a video draw poker device,  
 11 or for allowing a person under the age fifteen years old to play or operate a video  
 12 draw poker device at a licensed establishment regardless of what the licensee, his  
 13 employee or agent knew or reasonably believed about the age of that person:

14 \* \* \*

15 (iii) For a third or subsequent violation, a license revocation **hearing** shall  
 16 be conducted at which time the board shall determine whether or not there are  
 17 extenuating circumstances pursuant to which a license suspension or revocation  
 18 should not be imposed. At the conclusion of the hearing, the board may revoke  
 19 or suspend a license or impose a fine pursuant to R.S. 27:15(F).

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

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DIGEST

SB 322 Engrossed

2016 Regular Session

Morrell

Present law provides for the operation of video draw poker devices at qualified truck stops.

Present law provides a licensee will be penalized for allowing a person under the age of 21 to play or operate a video draw poker device at a licensed establishment, unless the licensee, his employee, or agent reasonably believed that the person was 21 years old or older.

Present law prohibits a licensee to allow a person under 21 to play or operate a video draw poker device when the licensee, his employee, or agent is shown to have known or reasonably believed he was allowing a person under 21 to operate or play the video draw poker device.

Present law further prohibits a licensee to allow a person under 15 to play or operate a video draw poker device regardless of what the licensee, his employee, or agent knew or reasonably believed about the age of the person.

Present law provides the penalty for the third or subsequent violation of either offense will be the revocation of the licensee's video draw poker license.

Proposed law removes the automatic revocation penalty for a third or subsequent offense and provides a hearing is to be conducted by the Gaming Control Board to determine if extenuating circumstances are present pursuant to which a license suspension or revocation should not be imposed.

Proposed law provides that at the conclusion of the hearing the board may revoke or suspend a license or impose a fine on the licensee.

Effective August 1, 2016.

(Amends R.S. 27:443(B)(1)(a)(ii) and (b)(iii))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Adds authority for the Gaming Control Board, at the conclusion of a revocation hearing, to revoke or suspend a license or impose a fine on the licensee.