

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in sports and amusements, providing
3 for the offense of underage persons in licensed facilities
4 and for the offense of underage gambling; and making an
5 inconsistent repeal.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 18 of the Pennsylvania Consolidated
9 Statutes is amended by adding sections to read:

10 § 7108. Underage persons in licensed facilities.

11 (a) Offense defined.--A person commits a summary offense if
12 the person, being under 21 years of age, enters and remains in
13 an area of a licensed facility where slot machines are operated
14 or the play of table games is conducted.

15 (b) Exception.--A person 18 to 21 years of age who is
16 employed by a slot machine licensee, a gaming service provider,
17 the board or any other regulatory or emergency response agency
18 may enter and remain in an area of a licensed facility while
19 acting within the scope of the person's employment or volunteer

1 duties.

2 (c) Diversionary program.--The magisterial district judge or
3 any judicial authority with jurisdiction over the violation
4 shall give first consideration to referring a person charged
5 with a violation of subsection (a) to a diversionary program
6 under 42 Pa.C.S. § 1520 (relating to adjudication alternative
7 program) and the Pennsylvania Rules of Criminal Procedure. As
8 part of the diversionary program, the magisterial district judge
9 or any judicial authority with jurisdiction over the violation
10 may order the person to participate in a counseling or treatment
11 program for problem gambling. The program shall be administered
12 by a single county authority created under the act of April 14,
13 1972 (P.L.221, No.63), known as the Pennsylvania Drug and
14 Alcohol Abuse Control Act, or its designee. Upon completion of
15 the program, the single county authority shall report to the
16 magisterial district judge or the judicial authority with
17 jurisdiction over the violation. If the person successfully
18 completes the diversionary program, the court shall order that
19 the person's records of the charge of violating this section be
20 expunged as provided under section 9122 (relating to
21 expungement).

22 (d) Penalties.--A person convicted of an offense under
23 subsection (a) shall be sentenced as follows:

24 (1) For a first offense, to pay a fine of not more than
25 \$250.

26 (2) For a second offense, to pay a fine of not more than
27 \$500 and perform not less than 20 hours of community service.

28 (3) For a third or subsequent offense, to pay a fine of
29 not more than \$1,000 and perform not less than 50 hours of
30 community service.

1 (e) Duties of board.--

2 (1) The board shall place the name of a person convicted
3 of an offense under subsection (a) on the exclusion list
4 established by the board under 4 Pa.C.S. § 1514 (relating to
5 regulation requiring exclusion, ejection or denial of access
6 of certain persons) for the following time periods:

7 (i) For a first offense, a minimum of six months
8 commencing on the date the person reaches 21 years of
9 age.

10 (ii) For a second offense, a minimum of one year
11 commencing on the date the person reaches 21 years of
12 age.

13 (iii) For a third or subsequent offense, a minimum
14 of two years commencing on the date the person reaches 21
15 years of age.

16 (2) A person placed on the exclusion list under this
17 section may not petition the board for removal from the list
18 until the expiration of the exclusion period.

19 (f) Definitions.--As used in this section, the following
20 words and phrases shall have the meanings given to them in this
21 subsection unless the context clearly indicates otherwise:

22 "Board." The Pennsylvania Gaming Control Board established
23 under 4 Pa.C.S. § 1201 (relating to Pennsylvania Gaming Control
24 Board established).

25 "Licensed facility." As defined in 4 Pa.C.S. § 1103
26 (relating to definitions).

27 "Slot machine." As defined in 4 Pa.C.S. § 1103.

28 "Table game." As defined in 4 Pa.C.S. § 1103.

29 § 7109. Underage gambling.

30 (a) Offense defined.--A person commits a summary offense if

1 the person, being under 21 years of age, wagers, plays or
2 attempts to wager or play a slot machine or table game at a
3 licensed facility.

4 (b) Diversionary program.--The magisterial district judge or
5 any judicial authority with jurisdiction over the violation
6 shall give first consideration to referring a person charged
7 with a violation of subsection (a) to a diversionary program
8 under 42 Pa.C.S. § 1520 (relating to adjudication alternative
9 program) and the Pennsylvania Rules of Criminal Procedure. As
10 part of the diversionary program, the magisterial district judge
11 or any judicial authority with jurisdiction over the violation
12 may order the person to participate in a counseling or treatment
13 program for problem gambling. The program shall be administered
14 by a single county authority created under the act of April 14,
15 1972 (P.L.221, No.63), known as the Pennsylvania Drug and
16 Alcohol Abuse Control Act, or its designee. Upon completion of
17 the program, the single county authority shall report to the
18 magisterial district judge or the judicial authority with
19 jurisdiction over the violation. If the person successfully
20 completes the diversionary program, the court shall order that
21 the person's records of the charge of violating this section be
22 expunged as provided under section 9122 (relating to
23 expungement).

24 (c) Penalties.--A person convicted of an offense under
25 subsection (a) shall be sentenced as follows:

26 (1) For a first offense, to pay a fine of not more than
27 \$500.

28 (2) For a second offense, to pay a fine of not more than
29 \$1,000 and perform not less than 40 hours of community
30 service.

1 (3) For a third or subsequent offense, to pay a fine of
2 not more than \$2,000 and perform not less than 100 hours of
3 community service.

4 (d) Duties of board.--

5 (1) The board shall place the name of a person convicted
6 of an offense under subsection (a) on the exclusion list
7 established by the board under 4 Pa.C.S. § 1514 (relating to
8 regulation requiring exclusion, ejection or denial of access
9 of certain persons) for the following time periods:

10 (i) For a first offense, a minimum of one year
11 commencing on the date the person reaches 21 years of
12 age.

13 (ii) For a second offense, a minimum of two years
14 commencing on the date the person reaches 21 years of
15 age.

16 (iii) For a third or subsequent offense, a minimum
17 of five years commencing on the date the person reaches
18 21 years of age.

19 (2) A person placed on the exclusion list under this
20 section may not petition the board for removal from the list
21 until the expiration of the exclusion period.

22 (e) Forfeiture.--Any winnings received by a person from a
23 wager or play at a licensed facility shall be subject to
24 forfeiture to the General Fund, and the person shall not have a
25 property right in the winnings.

26 (f) Definitions.--As used in this section, the following
27 words and phrases shall have the meanings given to them in this
28 subsection unless the context clearly indicates otherwise:

29 "Board." The Pennsylvania Gaming Control Board established
30 under 4 Pa.C.S. § 1201 (relating to Pennsylvania Gaming Control

1 Board established).

2 "Licensed facility." As defined in 4 Pa.C.S. § 1103

3 (relating to definitions).

4 "Slot machine." As defined in 4 Pa.C.S. § 1103.

5 "Table game." As defined in 4 Pa.C.S. § 1103.

6 Section 2. The provisions of 4 Pa.C.S. § 1518(b)(3) are
7 repealed insofar as they are inconsistent with this act.

8 Section 3. This act shall take effect in 60 days.