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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO THE ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2019

Introduced By: Representative Marvin L. Abney

Date Introduced: June 22, 2018

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-61-4 of the General Laws in Chapter 42-61 entitled "State
2 Lottery" is hereby amended to read as follows:

3 **42-61-4. Powers and duties of director.**

4 The director shall have the power and it shall be his or her duty to:

5 (1) Supervise and administer the operation of lotteries in accordance with this chapter,
6 chapter 61.2 of this title and with the rules and regulations of the division;

7 (2) Act as the chief administrative officer having general charge of the office and records
8 and to employ necessary personnel to serve at his or her pleasure and who shall be in the
9 unclassified service and whose salaries shall be set by the director of the department of revenue,
10 pursuant to the provisions of § 42-61-3.

11 (3) In accordance with this chapter and the rules and regulations of the division, license
12 as agents to sell lottery tickets those persons, as in his or her opinion, who will best serve the
13 public convenience and promote the sale of tickets or shares. The director may require a bond
14 from every licensed agent, in an amount provided in the rules and regulations of the division.
15 Every licensed agent shall prominently display his or her license, or a copy of their license, as
16 provided in the rules and regulations of the committee;

17 (4) Confer regularly as necessary or desirable, and not less than nine (9) times per year,
18 with the permanent joint committee on state lottery on the operation and administration of the

1 lotteries; make available for inspection by the committee, upon request, all books, records, files,
2 and other information, and documents of the division; advise the committee and recommend
3 those matters that he or she deems necessary and advisable to improve the operation and
4 administration of the lotteries;

5 (5) Suspend or revoke any license issued pursuant to this chapter, chapter 61.2 of this title
6 or the rules and regulations promulgated under this chapter and chapter 61.2 of this title;

7 (6) Enter into contracts for the operation of the lotteries, or any part of the operation of
8 the lotteries, and into contracts for the promotion of the lotteries;

9 (7) Ensure that monthly financial reports are prepared providing gross monthly revenues,
10 prize disbursements, other expenses, net income, and the amount transferred to the state general
11 fund for keno and for all other lottery operations; submit this report to the state budget officer, the
12 auditor general, the permanent joint committee on state lottery, the legislative fiscal advisors, and
13 the governor no later than the twentieth business day following the close of the month; the
14 monthly report shall be prepared in a manner prescribed by the members of the revenues
15 estimating conference; at the end of each fiscal year the director shall submit an annual report
16 based upon an accrual system of accounting which shall include a full and complete statement of
17 lottery revenues, prize disbursements and expenses, to the governor and the general assembly,
18 which report shall be a public document and shall be filed with the secretary of state;

19 (8) Carry on a continuous study and investigation of the state lotteries throughout the
20 state, and the operation and administration of similar laws, which may be in effect in other states
21 or countries; and the director shall continue to exercise his authority to study, evaluate and where
22 deemed feasible and advisable by the director, implement lottery-related initiatives, including but
23 not limited to, pilot programs for limited periods of time, with the goal of generating additional
24 revenues to be transferred by the Lottery to the general fund pursuant to § 42-61-15(3). Each such
25 initiative shall be objectively evaluated from time to time using measurable criteria to determine
26 whether the initiative is generating revenue to be transferred by the Lottery to the general fund.
27 Nothing herein shall be deemed to permit the implementation of an initiative [that would be](#)
28 [inconsistent with existing law or](#) that would constitute an expansion of gambling requiring voter
29 approval under applicable Rhode Island law.

30 (9) Implement the creation and sale of commercial advertising space on lottery tickets as
31 authorized by § 42-61-4 of this chapter as soon as practicable after June 22, 1994;

32 (10) Promulgate rules and regulations, which shall include, but not be limited to:

33 (i) The price of tickets or shares in the lotteries;

34 (ii) The number and size of the prizes on the winning tickets or shares;

- 1 (iii) The manner of selecting the winning tickets or shares;
- 2 (iv) The manner of payment of prizes to the holders of winning tickets or shares;
- 3 (v) The frequency of the drawings or selections of winning tickets or shares;
- 4 (vi) The number and types of location at which tickets or shares may be sold;
- 5 (vii) The method to be used in selling tickets or shares;
- 6 (viii) The licensing of agents to sell tickets or shares, except that a person under the age
- 7 of eighteen
- 8 (18) shall not be licensed as an agent;
- 9 (ix) The license fee to be charged to agents;
- 10 (x) The manner in which the proceeds of the sale of lottery tickets or shares are
- 11 maintained, reported, and otherwise accounted for;
- 12 (xi) The manner and amount of compensation to be paid licensed sales agents necessary
- 13 to provide for the adequate availability of tickets or shares to prospective buyers and for the
- 14 convenience of the general public;
- 15 (xii) The apportionment of the total annual revenue accruing from the sale of lottery
- 16 tickets or shares and from all other sources for the payment of prizes to the holders of winning
- 17 tickets or shares, for the payment of costs incurred in the operation and administration of the
- 18 lotteries, including the expense of the division and the costs resulting from any contract or
- 19 contracts entered into for promotional, advertising, consulting, or operational services or for the
- 20 purchase or lease of facilities, lottery equipment, and materials, for the repayment of moneys
- 21 appropriated to the lottery fund;
- 22 (xiii) The superior court upon petition of the director after a hearing may issue subpoenas
- 23 to compel the attendance of witnesses and the production of documents, papers, books, records,
- 24 and other evidence in any matter over which it has jurisdiction, control or supervision. If a person
- 25 subpoenaed to attend in the proceeding or hearing fails to obey the command of the subpoena
- 26 without reasonable cause, or if a person in attendance in the proceeding or hearing refuses
- 27 without lawful cause to be examined or to answer a legal or pertinent question or to exhibit any
- 28 book, account, record, or other document when ordered to do so by the court, that person may be
- 29 punished for contempt of the court;
- 30 (xiv) The manner, standards, and specification for the process of competitive bidding for
- 31 division purchases and contracts; and
- 32 (xv) The sale of commercial advertising space on the reverse side of, or in other available
- 33 areas upon, lottery tickets provided that all net revenue derived from the sale of the advertising
- 34 space shall be deposited immediately into the state's general fund and shall not be subject to the

1 provisions of § 42-61-15.

2 SECTION 2. Sections 42-61.2-1, 42-61.2.4 and 42-61.2-3.3 of the General Laws in
3 Chapter 42-61.2 entitled "Video-Lottery Games, Table Games and Sports Wagering" are hereby
4 amended to read as follows:

5 **42-61.2-1. Definitions.**

6 For the purpose of this chapter, the following words shall mean:

7 (1) "Central communication system" means a system approved by the lottery division,
8 linking all video-lottery machines at a licensee location to provide auditing program information
9 and any other information determined by the lottery. In addition, the central communications
10 system must provide all computer hardware and related software necessary for the establishment
11 and implementation of a comprehensive system as required by the division. The central
12 communications licensee may provide a maximum of fifty percent (50%) of the video-lottery
13 terminals.

14 (2) "Licensed, video-lottery retailer" means a pari-mutuel licensee specifically licensed
15 by the director subject to the approval of the division to become a licensed, video-lottery retailer.

16 (3) "Net terminal income" means currency placed into a video-lottery terminal less
17 credits redeemed for cash by players.

18 (4) "Pari-mutuel licensee" means:

19 (i) An entity licensed pursuant to § 41-3.1-3; and/or

20 (ii) An entity licensed pursuant to § 41-7-3.

21 (5) "Technology provider" means any individual, partnership, corporation, or association
22 that designs, manufactures, installs, maintains, distributes, or supplies video-lottery machines or
23 associated equipment for the sale or use in this state.

24 (6) "Video-lottery games" means lottery games played on video-lottery terminals
25 controlled by the lottery division.

26 (7) "Video-lottery terminal" means any electronic computerized video game machine
27 that, upon the insertion of cash or any other representation of value that has been approved by the
28 division of lotteries, is available to play a video game authorized by the lottery division, and that
29 uses a video display and microprocessors in which, by chance, the player may receive free games
30 or credits that can be redeemed for cash. The term does not include a machine that directly
31 dispenses coins, cash, or tokens.

32 (8) "Casino gaming" means any and all table and casino-style games played with cards,
33 dice, or equipment, for money, credit, or any representative of value; including, but not limited to,
34 roulette, blackjack, big six, craps, poker, baccarat, paigow, any banking or percentage game, or

1 any other game of device included within the definition of Class III gaming as that term is
2 defined in Section 2703(8) of Title 25 of the United States Code and that is approved by the state
3 through the division of state lottery.

4 (9) "Net, table-game revenue" means win from table games minus counterfeit currency.

5 (10) "Rake" means a set fee or percentage of cash and chips representing cash wagered in
6 the playing of a nonbanking table game assessed by a table games retailer for providing the
7 services of a dealer, gaming table or location, to allow the play of any nonbanking table game.

8 (11) "Table game" or "Table gaming" means that type of casino gaming in which table
9 games are played for cash or chips representing cash, or any other representation of value that has
10 been approved by the division of lotteries, using cards, dice, or equipment and conducted by one
11 or more live persons.

12 (12) "Table-game retailer" means a retailer authorized to conduct table gaming pursuant
13 to §§ 42-61.2-2.1 or 42-61.2-2.3.

14 (13) "Credit facilitator" means any employee of a licensed, video-lottery retailer
15 approved in writing by the division whose responsibility is to, among other things, review
16 applications for credit by players, verify information on credit applications, grant, deny, and
17 suspend credit, establish credit limits, increase and decrease credit limits, and maintain credit
18 files, all in accordance with this chapter and rules and regulations approved by the division.

19 (14) "Newport Grand" means Newport Grand, LLC, a Rhode Island limited-liability
20 company, successor to Newport Grand Jai Alai, LLC, and each permitted successor to and
21 assignee of Newport Grand, LLC under the Newport Grand Master Contract, including, but not
22 limited to, Premier Entertainment II, LLC and/or Twin River-Tiverton, LLC, provided it is a pari-
23 mutuel licensee as defined in § 42-61.2-1 et seq.; provided, further, however, where the context
24 indicates that the term is referring to the physical facility, then it shall mean the gaming and
25 entertainment facility located at 150 Admiral Kalbfus Road, Newport, Rhode Island.

26 (15) "Newport Grand Marketing Year" means each fiscal year of the state or a portion
27 thereof between November 23, 2010, and the termination date of the Newport Grand Master
28 Contract.

29 (16) "Newport Grand Master Contract" means that certain master video-lottery terminal
30 contract made as of November 23, 2005, by and between the Division of Lotteries of the Rhode
31 Island department of administration and Newport Grand, as amended and extended from time to
32 time as authorized therein and/or as such Newport Grand Master Contract may be assigned as
33 permitted therein.

34 (17) "Premier" means Premier Entertainment II, LLC and/or its successor in interest by

1 reason of the acquisition of the stock, membership interests, or substantially all of the assets of
2 such entity.

3 (18) "Twin River-Tiverton" means Twin River-Tiverton, LLC and/or its successor in
4 interest by reason of the acquisition of the stock, membership interests, or substantially all of the
5 assets of such entity.

6 (19) "Sports wagering revenue" means:

7 (1) The total of cash or cash equivalents received from sports wagering minus the total
8 of:

9 (i) Cash or cash equivalents paid to players as a result of sports wagering;

10 (ii) The annual flat fee to the host communities as defined by ~~§ 42-61.2-2.4(e)~~ [§ 42-61.2-](#)
11 [5\(c\)](#) of the general laws;

12 (iii) Marketing expenses related to sports wagering as agreed to by the division, the sports
13 wagering vendor, and the host facilities, as approved by the division of the lottery; and

14 (iv) Any federal excise taxes (if applicable).

15 (2) The term does not include any of the following:

16 (i) Counterfeit cash.

17 (ii) Coins or currency of other countries received as a result of sports wagering, except to
18 the extent that the coins or currency are readily convertible to cash.

19 (iii) Cash taken in a fraudulent act perpetrated against a hosting facility or sports
20 wagering vendor for which the hosting facility or sports wagering vendor is not reimbursed.

21 (iv) Free play provided by the hosting facility or sports wagering vendor as authorized by
22 the division of lottery to a patron and subsequently "won back" by the hosting facility or sports
23 wagering vendor, for which the hosting facility or sports wagering vendor can demonstrate that it
24 or its affiliate has not been reimbursed in cash.

25 (20) "Sporting event" means any professional sport or athletic event, any Olympic or
26 international sports competition event and any collegiate sport or athletic event, or any portion
27 thereof, including, but not limited to, the individual performance statistics of athletes in a sports
28 event or combination of sports events, except "sports event" shall not include a prohibited sports
29 event.

30 (21) "Collegiate sports or athletic event" shall not include a collegiate sports contest or
31 collegiate athletic event that takes place in Rhode Island or a sports contest or athletic event in
32 which any Rhode Island college team participates regardless of where the event takes place.

33 (22) "Sports wagering" means the business of accepting wagers on sporting events or a
34 combination of sporting events, or on the individual performance statistics of athletes in a

1 sporting event or combination of sporting events, by any system or method of wagering. The term
2 includes, but is not limited to, exchange wagering, parlays, over-under, moneyline, pools and
3 straight bets, and the term includes the placement of such bets and wagers. However, the term
4 does not include, without limitation, the following:

5 (1) Lotteries, including video lottery games and other types of casino gaming operated by
6 the state, through the division, on the date this act is enacted.

7 (2) Pari-mutuel betting on the outcome of thoroughbred or harness horse racing, or
8 greyhound dog racing, including but not limited to pari-mutuel wagering on a race that is
9 "simulcast" (as defined in section 41-11-1 of the general laws), as regulated elsewhere pursuant to
10 the general laws, including in chapters 41-3, 41-3.1, 41-4 and 41-11 of the general laws.

11 (3) Off-track betting on racing events, as regulated elsewhere pursuant to the general
12 laws, including in chapter 41-10 of the general laws.

13 (4) Wagering on the respective scores or points of the game of jai alai or pelota and the
14 sale of pari-mutuel pools related to such games, as regulated elsewhere pursuant to the general
15 laws, including in chapter 41-7 of the general laws.

16 (5) Lotteries, charitable gaming, games of chance, bingo games, raffles and pull-tab
17 lottery tickets, to the extent permitted and regulated pursuant to chapter 11-19 of the general laws.

18 (23) "Sports wagering device" means any mechanical, electrical or computerized
19 contrivance, terminal, machine or other device, apparatus, equipment or supplies approved by the
20 division and used to conduct sports wagering.

21 (24) "Sports wagering vendor" means any entity authorized by the division of lottery to
22 operate sports betting on the division's behalf in accordance with this chapter.

23 (25) "Payoff" when used in connection with sports wagering, means cash or cash
24 equivalents paid to a player as a result of the player's winning a sports wager. A "payoff" is a
25 type of "prize," as the term "prize" is used in chapter 42-61, chapter 42-61.2 and in chapter 42-
26 61.3.

27 (26) "Tiverton gaming facility" (sometimes referred to as "Twin River-Tiverton") means
28 the gaming and entertainment facility located in the Town of Tiverton at the intersection of
29 William S. Canning Boulevard and Stafford Road.

30 (27) "Twin River" (sometimes referred to as "UTGR") means UTGR, Inc., a Delaware
31 corporation, and each permitted successor to and assignee of UTGR, Inc.; provided further,
32 however, where the context indicates that the term is referring to a physical facility, then "Twin
33 River" or "Twin River gaming facility" shall mean the gaming and entertainment facility located
34 at 100 Twin River Road in Lincoln, Rhode Island.

1 (28) "Hosting facility" refers to Twin River and the Tiverton gaming facility.

2 (29) "DBR" means the department of business regulation, division of licensing and
3 gaming and athletics, and/or any successor in interest thereto.

4 (30) "Division," "division of lottery," "division of lotteries" or "lottery division" means
5 the division of lotteries within the department of revenue and/or any successor in interest thereto.

6 (31) "Director" means the director of the division.

7 **42-61.2-2.4. State to conduct sports wagering hosted by Twin River and the Tiverton**

8 **Gaming Facility.**

9 (a) The state, through the division of lotteries, shall implement, operate, conduct and
10 control sports wagering at the Twin River gaming facility and the Twin River-Tiverton gaming
11 facility, once Twin River-Tiverton is licensed as a video lottery and table game retailer. In
12 furtherance thereof, the state, through the division, shall have full operational control to operate
13 such sports wagering, including, without limitation, the power and authority to:

14 (1) Establish with respect to sports wagering one or more systems for linking, tracking,
15 depositing and reporting of receipts, audits, annual reports, prohibited conduct and other such
16 matters determined by the division from time to time;

17 (2) Collect all sports wagering revenue indirectly through Twin River and Tiverton
18 gaming facilities, require that the Twin River and Tiverton gaming facilities collect all sports
19 wagering revenue in trust for the state (through the division), deposit such sports wagering
20 revenue into an account or accounts of the division's choice, allocate such sports wagering
21 revenue according to law, and otherwise maintain custody and control over all sports wagering
22 revenue;

23 (3) Hold and exercise sufficient powers over the Twin River and Tiverton gaming
24 facilities' accounting and finances to allow for adequate oversight and verification of the financial
25 aspects of sports wagering hosted at their respective facilities in Lincoln and Tiverton, including,
26 without limitation:

27 (i) The right to require the Twin River and Tiverton gaming facilities to maintain an
28 annual balance sheet, profit and loss statement, and any other necessary information or reports;

29 (ii) The authority and power to conduct periodic compliance or special or focused audits
30 of the information or reports provided, as well as the premises within the facilities containing
31 records of sports wagering or in which the sports wagering activities are conducted; and

32 (4) Monitor the sports wagering operations hosted by the Twin River and Tiverton
33 gaming facilities and have the power to terminate or suspend any sports wagering activities in the
34 event of an integrity concern or other threat to the public trust, and in furtherance thereof, require

1 Twin River and Tiverton, respectively, to provide a specified area or areas from which to conduct
2 such monitoring activities;

3 (5) Through the use of a sports wagering vendor, define and limit the rules of play and
4 odds of authorized sports wagering games, including, without limitation, the minimum and
5 maximum wagers for each sports wagering game. Sports wagering payoffs shall not be subject to
6 any limitation or restriction related to sports wagering revenue or lottery revenue.

7 (6) Establish compulsive gambling treatment programs;

8 (7) Promulgate, or propose for promulgation, any legislative, interpretive and procedural
9 rules necessary for the successful implementation, administration and enforcement of this
10 chapter; and

11 (8) Hold all other powers necessary and proper to fully effectively execute and administer
12 the provisions of this chapter for the purpose of allowing the state to operate sports wagering
13 hosted by the Twin River and Tiverton gaming facilities.

14 (b) The state, through the division and/or the DBR, shall have approval rights over
15 matters relating to the employment of individuals to be involved, directly or indirectly, with the
16 operation of sports wagering at the Twin River and Tiverton gaming facilities.

17 (c) Nothing in this chapter 42-61.2 or elsewhere in the general laws shall be construed to
18 create a separate license governing the hosting of sports wagering in Rhode Island by licensed
19 video lottery and table game retailers.

20 (d) The state, through the division, shall have authority to issue such regulations as it
21 deems appropriate pertaining to the control, operation and management of sports wagering. The
22 state, through DBR shall have authority to issue such regulations as it deems appropriate
23 pertaining to the employment of individuals to be involved, directly or indirectly, with the
24 operations of sports wagering as set forth in subsection (b) of this section.

25 (e) Any list or other identifiable data of sports wagering players generated or maintained
26 by the sports wagering vendor or the hosting facility as a result of sports wagering shall be the
27 exclusive property of the division, provided that the hosting facilities shall be permitted to use
28 any such list or other identifiable data for marketing purposes to the extent it currently uses
29 similar data, and, as approved by the division ~~and~~ for other marketing purposes to directly or
30 indirectly generate additional gaming revenue, ~~as approved by the division~~.

31 **42-61.2-3.3. Sports wagering regulation.**

32 (a) In addition to the powers and duties of the division director under §§ 42-61-4, 42-
33 61.2-3, 42-61.2-4 and 42-61.2-3.1, and pursuant to § 42-61.2-2.4, the division director shall
34 promulgate rules and regulations relating to sports wagering and set policy therefor. These rules

1 and regulations shall establish standards and procedures for sports wagering and associated devices,
2 equipment and accessories, and shall include, but not be limited to:

3 (1) Approve standards, rules and regulations to govern the conduct of sports wagering
4 and the system of wagering associated with sports wagering, including without limitation:

5 (i) The objects of the sports wagering (i.e., the sporting events upon which sports
6 wagering bets may be accepted) and methods of play, including what constitutes win, loss or tie
7 bets;

8 (ii) The manner in which sports wagering bets are received, payoffs are remitted and
9 point spreads, lines and odds are determined for each type of available sports wagering bet;

10 (iii) Physical characteristics of any devices, equipment and accessories related to sports
11 wagering;

12 (iv) The applicable inspection procedures for any devices, equipment and accessories
13 related to sports wagering;

14 (v) Procedures for the collection of bets and payoffs, including but not limited to
15 requirements for internal revenue service purposes;

16 (vi) Procedures for handling suspected cheating and sports wagering irregularities; and

17 (vii) Procedures for handling any defective or malfunctioning devices, equipment and
18 accessories related to sports wagering.

19 (2) Establishing the method for calculating sports wagering revenue and standards for the
20 daily counting and recording of cash and cash equivalents received in the conduct of sports
21 wagering, and ensuring that internal controls are followed and financial books and records are
22 maintained and audits are conducted;

23 (3) Establishing the number and type of sports wagering bets authorized at the hosting
24 facility, including any new sports wagering bets or variations or composites of approved sports
25 wagering bets, and all rules related thereto;

26 (4) Establishing any sports wagering rule changes, sports wagering minimum and
27 maximum bet changes, and changes to the types of sports wagering products offered at a
28 particular hosting facility, including but not limited to any new sports wagering bets or variations
29 or composites of approved sports wagering bets, and including all rules related thereto;

30 (5) Requiring the hosting facility and/or sports wagering vendor to:

31 (i) Provide written information at each sports wagering location within the hosting
32 facility about wagering rules, payoffs on winning sports wagers and other information as the
33 division may require.

34 (ii) Provide specifications approved by the division to integrate and update the hosting

1 facility's surveillance system to cover all areas within the hosting facility where sports wagering
2 is conducted and other areas as required by the division. The specifications shall include
3 provisions providing the division and other persons authorized by the division with onsite access
4 to the system.

5 (iii) Designate one or more locations within the hosting facility where sports wagering
6 bets are received.

7 (iv) Ensure that visibility in a hosting facility is not obstructed in any way that could
8 interfere with the ability of the division, the ~~sports wagering vendor~~ hosting facility or other
9 persons authorized under this section or by the division to oversee the surveillance of the conduct
10 of sports wagering.

11 (v) Ensure that the count rooms for sports wagering has appropriate security for the
12 counting and storage of cash.

13 (vi) Ensure that drop boxes are brought into or removed from an area where sports
14 wagering is conducted or locked or unlocked in accordance with procedures established by the
15 division.

16 (vii) Designate secure locations for the inspection, service, repair or storage of sports
17 wagering equipment and for employee training and instruction to be approved by the division.

18 (vii) Establish standards prohibiting persons under eighteen (18) of age from participating
19 in sports wagering.

20 (ix) Establish compulsive and problem gambling standards and/or programs pertaining to
21 sports wagering consistent with general laws chapter 42-61.2.

22 (6) Establishing the minimal proficiency requirements for those individuals accepting
23 sports wagers and administering payoffs on winning sports wagers. The foregoing requirements
24 of this subsection may be in addition to any rules or regulations of the DBR requiring licensing of
25 personnel of state-operated gaming facilities;

26 (7) Establish appropriate eligibility requirements and standards for traditional sports
27 wagering equipment suppliers; and

28 (8) Any other matters necessary for conducting sports wagering.

29 (b) The hosting facility shall provide secure, segregated facilities as required by the
30 division on the premises for the exclusive use of the division staff and the gaming enforcement
31 unit of the state police. Such space shall be located proximate to the gaming floor and shall
32 include surveillance equipment, monitors with full camera control capability, as well as other
33 office equipment that may be deemed necessary by the division. The location and size of the
34 space and necessary equipment shall be subject to the approval of the division.

1 SECTION 3. Section 14-1-6 of the General Laws in Chapter 14-1 entitled "Proceedings
2 in Family Court" is hereby amended to read as follows:

3 **14-1-6. Retention of jurisdiction.**

4 (a) When the court shall have obtained jurisdiction over any child prior to the child
5 having attained the age of eighteen (18) years by the filing of a petition alleging that the child is
6 wayward or delinquent pursuant to § 14-1-5, the child shall, except as specifically provided in
7 this chapter, continue under the jurisdiction of the court until he or she becomes nineteen (19)
8 years of age, unless discharged prior to turning nineteen (19).

9 (b) When the court shall have obtained jurisdiction over any child prior to the child's
10 eighteenth (18th) birthday by the filing of a miscellaneous petition or a petition alleging that the
11 child is dependent, neglected, or abused pursuant to §§ 14-1-5 and 40-11-7 or 42-72-14, the child
12 shall, except as specifically provided in this chapter, continue under the jurisdiction of the court
13 until he or she becomes eighteen (18) years of age; provided, that at least six (6) months prior to a
14 child turning eighteen (18) years of age, the court shall require the department of children, youth
15 and families to provide a description of the transition services including the child's housing,
16 health insurance, education and/or employment plan, available mentors and continuing support
17 services, including workforce supports and employment services afforded the child in placement
18 or a detailed explanation as to the reason those services were not offered. As part of the transition
19 planning, the child shall be informed by the department of the opportunity to voluntarily agree to
20 extended care and placement by the department and legal supervision by the court until age
21 twenty-one (21). The details of a child's transition plan shall be developed in consultation with
22 the child, wherever possible, and approved by the court prior to the dismissal of an abuse, neglect,
23 dependency, or miscellaneous petition before the child's twenty-first birthday.

24 (c) A child, who is in foster care on their eighteenth birthday due to the filing of a
25 miscellaneous petition or a petition alleging that the child is dependent, neglected, or abused
26 pursuant to §§14-1-5, 40-11-7 or 42-72-14 may voluntarily elect to continue responsibility for
27 care and placement from DCYF and to remain under the legal supervision of the court as a young
28 adult until age twenty-one (21), provided:

29 (1) The young adult was in the legal custody of the department at age eighteen (18); ~~or~~

30 and

31 (2) The young adult is participating in at least one of the following:

32 (i) Completing the requirements to receive a high school diploma or GED;

33 (ii) Completing a secondary education or a program leading to an equivalent credential;
34 enrolled in an institution that provides post-secondary or vocational education;

1 (iii) Participating in a job training program or an activity designed to promote or remove
2 barriers to employment;

3 (iv) Be employed for at least eighty (80) hours per month; or

4 (v) Incapable of doing any of the foregoing due to a medical condition that is regularly
5 updated and documented in the case plan;

6 (d) A former foster child who was adopted or placed in guardianship with an adoption
7 assistance agreement or a guardianship assistance agreement that was executed on or after his or
8 her sixteenth birthday and prior to his or her eighteenth birthday may voluntarily agree to
9 extended care and placement by the department and legal supervision by the court until age
10 twenty-one (21) if the young adult satisfies the requirements in § 14-1-6(c)(2). Provided,
11 however, the department retains the right to review the request and first attempt to address the
12 issues through the adoption assistance agreement by providing post adoptive or post guardianship
13 support services to the young adult and his or her adoptive or guardianship family.

14 (e) Upon the request of the young adult, who voluntarily agreed to the extension of care
15 and placement by the department and legal supervision by the court, pursuant to subsections (c)
16 and (d) of this section, the court's legal supervision and the department's responsibility for care
17 and placement may be terminated. Provided, however, the young adult may request reinstatement
18 of responsibility and resumption of the court's legal supervision at any time prior to their twenty-
19 first birthday if the young adult meets the requirements set forth in §14-1-6(c)(3). If the
20 department wishes to terminate the court's legal supervision and its responsibility for care and
21 placement, it may file a motion for good cause. The court may exercise its discretion to terminate
22 legal supervision over the young adult at any time.

23 (f) The court may retain jurisdiction of any child who is seriously emotionally disturbed
24 or developmentally delayed pursuant to § 42-72-5(b)(24)(v) until that child turns age twenty-one
25 (21) when the court shall have obtained jurisdiction over any child prior to the child's eighteenth
26 birthday by the filing of a miscellaneous petition or a petition alleging that the child is dependent,
27 neglected and or abused pursuant to §§ 14-1-5, and 40-11-7, or 42-72-14.

28 (g) The department of children, youth and families shall work collaboratively with the
29 department of behavioral healthcare, developmental disabilities and hospitals, and other agencies,
30 in accordance with § 14-1-59, to provide the family court with a transition plan for those
31 individuals who come under the court's jurisdiction pursuant to a petition alleging that the child is
32 dependent, neglected, and/or abused and who are seriously emotionally disturbed or
33 developmentally delayed pursuant to § 42-72-5(b)(24)(v). This plan shall be a joint plan
34 presented to the court by the department of children, youth and families and the department of

1 behavioral healthcare, developmental disabilities and hospitals. The plan shall include the
2 behavioral healthcare, developmental disabilities and hospitals' community or residential service
3 level, health insurance option, education plan, available mentors, continuing support services,
4 workforce supports and employment services, and the plan shall be provided to the court at least
5 twelve (12) months prior to discharge. At least three (3) months prior to discharge, the plan shall
6 identify the specific placement for the child, if a residential placement is needed. The court shall
7 monitor the transition plan. In the instance where the department of behavioral healthcare,
8 developmental disabilities and hospitals has not made timely referrals to appropriate placements
9 and services, the department of children, youth and families may initiate referrals.

10 (h) The parent and/or guardian and/or guardian ad litem of a child who is seriously
11 emotionally disturbed or developmentally delayed pursuant to § 42-72-5(b)(24)(v), and who is
12 before the court pursuant to §§ 14-1-5(1)(iii) through 14-1-5(1)(v), 40-11-7 or 42-72-14, shall be
13 entitled to a transition hearing, as needed, when the child reaches the age of twenty (20) if no
14 appropriate transition plan has been submitted to the court by the department of children, person
15 and families and the department of behavioral healthcare, developmental disabilities and
16 hospitals. The family court shall require that the department of behavioral healthcare,
17 developmental disabilities, and hospitals shall immediately identify a liaison to work with the
18 department of children, youth, and families until the child reaches the age of twenty-one (21) and
19 an immediate transition plan be submitted if the following facts are found:

20 (1) No suitable transition plan has been presented to the court addressing the levels of
21 service appropriate to meet the needs of the child as identified by the department of behavioral
22 healthcare, developmental disabilities and hospitals; or

23 (2) No suitable housing options, health insurance, educational plan, available mentors,
24 continuing support services, workforce supports, and employment services have been identified
25 for the child.

26 (i) In any case where the court shall not have acquired jurisdiction over any person prior
27 to the person's eighteenth (18th) birthday by the filing of a petition alleging that the person had
28 committed an offense, but a petition alleging that the person had committed an offense that would
29 be punishable as a felony if committed by an adult has been filed before that person attains the
30 age of nineteen (19) years of age, that person shall, except as specifically provided in this chapter,
31 be subject to the jurisdiction of the court until he or she becomes nineteen (19) years of age,
32 unless discharged prior to turning nineteen (19).

33 (j) In any case where the court shall not have acquired jurisdiction over any person prior
34 to the person attaining the age of nineteen (19) years by the filing of a petition alleging that the

1 person had committed an offense prior to the person attaining the age of eighteen (18) years
2 which would be punishable as a felony if committed by an adult, that person shall be referred to
3 the court that had jurisdiction over the offense if it had been committed by an adult. The court
4 shall have jurisdiction to try that person for the offense committed prior to the person attaining
5 the age of eighteen (18) years and, upon conviction, may impose a sentence not exceeding the
6 maximum penalty provided for the conviction of that offense.

7 (k) In any case where the court has certified and adjudicated a child in accordance with
8 the provisions of §§ 14-1-7.2 and 14-1-7.3, the jurisdiction of the court shall encompass the
9 power and authority to sentence the child to a period in excess of the age of nineteen (19) years.
10 However, in no case shall the sentence be in excess of the maximum penalty provided by statute
11 for the conviction of the offense.

12 (l) Nothing in this section shall be construed to affect the jurisdiction of other courts over
13 offenses committed by any person after he or she reaches the age of eighteen (18) years.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO THE ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2019

- 1 This act would make technical changes to provisions enacted in the state budget for the
- 2 fiscal year ending June 30, 2019.
- 3 This act would take effect upon passage.

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