

2023 -- H 5295

LC000816

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINAL OFFENSES -- GAMBLING AND LOTTERIES

Introduced By: Representatives O'Brien, Dawson, Shanley, Slater, Vella-Wilkinson,
Craven, Corvese, Cardillo, Solomon, and Baginski

Date Introduced: February 01, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-19-1 and 11-19-18 of the General Laws in Chapter 11-19 entitled
2 "Gambling and Lotteries" are hereby amended to read as follows:

3 **11-19-1. Forms of gambling prohibited.**

4 Except as provided in §§ 11-19-46 and 11-19-47, Every every person who shall, directly
5 or indirectly, set up, put forth, carry on, promote, or draw, publicly or privately, any lottery, chance,
6 game, or device of any nature or kind whatsoever, or by whatsoever name it may be called, for the
7 purpose of exposing, setting for sale or disposing of any money, houses, lands, merchandise, or
8 articles of value, or shall sell or expose to sale lottery policies, purporting to be governed by the
9 drawing of any public or private lottery, or shall sign or endorse any book, document, or paper
10 whatsoever, for the purpose of enabling others to sell, or expose to sale, lottery policies, except as
11 authorized in this chapter and in title 41 and chapters 61 and 61.2 of title 42, shall be deemed guilty
12 of a felony and shall be imprisoned not exceeding two (2) years or be fined not exceeding two
13 thousand dollars (\$2,000).

14 **11-19-18. Keeping of gambling places or devices — Acting as dealer, banker, or**
15 **lookout.**

16 Except as provided in §§ 11-19-46 and 11-19-47, Every every person who shall keep or
17 suffer to be kept any building, room, booth, shed, tent, arbor, or any other place, or any automobile,
18 bus, coach, van, truck, trainer, railway or railroad car, or any other vehicle in any city or town of
19 this state, or in any vessel, boat, or raft upon any of the waters of Narragansett Bay, to be used or

1 occupied for the purpose of gambling, or playing at any game or games of chance of any kind
2 whatsoever, for money or other valuable consideration, or shall keep, exhibit, or suffer to be kept
3 or exhibited upon premises or in a vehicle belonging to that person under his or her control, any
4 cards, dice, table, bowls, wheel of fortune, shuffleboard, or billiard table, or any device, implement,
5 or apparatus whatsoever to be used in gambling or playing at any game or games of chance for
6 money or other valuable consideration, or who shall be guilty of dealing Faro, or banking for others
7 to deal Faro, or acting as lookout, gamekeeper, or assistant for the game of Faro or any other
8 banking game where money or property is dependent on the result, shall be taken and held to be a
9 common gambler and shall be imprisoned not exceeding two (2) years or be fined not exceeding
10 five thousand dollars (\$5,000) nor less than five hundred dollars (\$500).

11 SECTION 2. Chapter 11-19 of the General Laws entitled "Gambling and Lotteries" is
12 hereby amended by adding thereto the following sections:

13 **11-19-46. Social gaming permitted.**

14 (a) Social gaming defined herein as a game other than a lottery, between players where
15 gambling is incidental to a bona fide social relationship between participants and where no person
16 other than the players participating in the social game are entitled to receive anything of value and
17 provided that none of the participants are involved with professional gambling, shall be permitted
18 under this chapter.

19 (b) No host of a social game under this chapter shall be guilty of promoting a form of illegal
20 gambling when the host, in a private residence, offers gaming allowable under subsection (a) of
21 this section; provided, that the participants are invitees of the owner/tenant, and the owner/tenant
22 derives no monetary benefit, in the form of entry fees, and does not intend to derive a profit from
23 aiding or inducing another to gamble by hosting the event; provided, however, that the host may
24 benefit from being a participant in the game.

25 **11-19-47. Places social gambling permitted.**

26 (a) Notwithstanding any general law to the contrary, it shall not be illegal for any private
27 business, private club or place of public accommodation to allow on its premises:

28 (1) Social gaming allowed under § 11-19-46; provided, that the owner or operator of the
29 premises derives no monetary benefit from and does not intend to derive a profit from aiding or
30 inducing another to gamble by allowing the gaming to occur on the premises; or

31 (2) The running of "office pools" based on the result or occurrence of a social or sporting
32 event; provided that:

33 (i) No money is withheld from the amount paid by the participants by the operator or the
34 promoter of the pool;

1 (ii) All monies paid by the participants, as an entry fee or otherwise, are paid out to the
2 winner(s) based on the result of the pool;

3 (iii) That prior to participation each entrant has an equal chance to win the pool;

4 (iv) Participants shall be of legal age to gamble as provided for in this title; and

5 (v) That holders of liquor licenses who desire to are required to apply for a permit to
6 conduct such activities as part of the liquor license. Such holders shall pay a fee of one hundred
7 dollars (\$100) for said permit to the department of business regulation and display the permit
8 prominently along with their liquor license.

9 (b) Notwithstanding subsection (a) of this section, a nonprofit organization may petition
10 the state police to run a pool, in the same manner as prescribed in § 11-19-31, and withhold an
11 amount of the money in the pool for its charitable purposes, as long as:

12 (1) The percentage of the money to be withheld from the total amount of the pool does not
13 exceed twenty-five percent (25%) and is clearly spelled out prior to the entrants' participation;

14 (2) No outside agent or professional fundraisers derive a profit from the activity; and

15 (3) The disbursement of proceeds is limited to the pool winner(s), de minimis expense
16 incurred in running the pool, and the charity itself.

17 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES -- GAMBLING AND LOTTERIES

1 This act would allow social gaming in private residences and in public taverns or private
2 clubs as long as the gambling is incidental to a bona fide social relationship between the participants
3 and as long as no person other than the participants receive anything of value. It would provide that
4 no entry fees or proceeds from the gaming activity be payable to the house, host, owner, or manager
5 of the establishment or residence, provided that a social host in a private residence, may participate
6 in the game. This act would also authorize a nonprofit organization to petition the state police to
7 conduct a game of chance for charitable purposes.

8 This act would take effect upon passage.

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