

**As Passed By The Senate**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 265**

**Senator Seitz**

**Cosponsors: Senators Williams, Eklund, Schiavoni, Manning, Patton, Skindell**

---

**A BILL**

To amend section 3772.99 of the Revised Code to 1  
specify that the criminal penalty related to 2  
casino operators and employees participating in 3  
casino gaming applies at their casino facility 4  
or an affiliated casino facility. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3772.99 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 3772.99.** (A) The commission shall levy and collect 8  
penalties for noncriminal violations of this chapter. 9  
Noncriminal violations include using the term "casino" in any 10  
advertisement in regard to a facility operating video lottery 11  
terminals, as defined in section 3770.21 of the Revised Code, in 12  
this state. Moneys collected from such penalty levies shall be 13  
credited to the general revenue fund. 14

(B) If a licensed casino operator, management company, 15  
holding company, gaming-related vendor, or key employee violates 16  
this chapter or engages in a fraudulent act, the commission may 17  
suspend or revoke the license and may do either or both of the 18

following:	19
(1) Suspend, revoke, or restrict the casino gaming operations of a casino operator;	20 21
(2) Require the removal of a management company, key employee, or discontinuance of services from a gaming-related vendor.	22 23 24
(C) The commission shall impose civil penalties against a person who violates this chapter under the penalties adopted by commission rule and reviewed by the joint committee on gaming and wagering.	25 26 27 28
(D) A person who purposely or knowingly does any of the following commits a misdemeanor of the first degree on the first offense and a felony of the fifth degree for a subsequent offense:	29 30 31 32
(1) Makes a false statement on an application submitted under this chapter;	33 34
(2) Permits a person less than twenty-one years of age to make a wager at a casino facility;	35 36
(3) Aids, induces, or causes a person less than twenty-one years of age who is not an employee of the casino gaming operation to enter or attempt to enter a casino facility;	37 38 39
(4) Enters or attempts to enter a casino facility while under twenty-one years of age, unless the person enters a designated area as described in section 3772.24 of the Revised Code;	40 41 42 43
(5) Is a casino operator or employee and participates in casino gaming <u>at the casino facility at which the casino operator or employee has an interest or is employed or at an</u>	44 45 46

affiliated casino facility in this state other than as part of 47  
operation or employment. 48

(E) A person who purposely or knowingly does any of the 49  
following commits a felony of the fifth degree on a first 50  
offense and a felony of the fourth degree for a subsequent 51  
offense. If the person is a licensee under this chapter, the 52  
commission shall revoke the person's license after the first 53  
offense. 54

(1) Uses or possesses with the intent to use a device to 55  
assist in projecting the outcome of the casino game, keeping 56  
track of the cards played, analyzing the probability of the 57  
occurrence of an event relating to the casino game, or analyzing 58  
the strategy for playing or betting to be used in the casino 59  
game, except as permitted by the commission; 60

(2) Cheats at a casino game; 61

(3) Manufactures, sells, or distributes any cards, chips, 62  
dice, game, or device that is intended to be used to violate 63  
this chapter; 64

(4) Alters or misrepresents the outcome of a casino game 65  
on which wagers have been made after the outcome is made sure 66  
but before the outcome is revealed to the players; 67

(5) Places, increases, or decreases a wager on the outcome 68  
of a casino game after acquiring knowledge that is not available 69  
to all players and concerns the outcome of the casino game that 70  
is the subject of the wager; 71

(6) Aids a person in acquiring the knowledge described in 72  
division (E)(5) of this section for the purpose of placing, 73  
increasing, or decreasing a wager contingent on the outcome of a 74  
casino game; 75

(7) Claims, collects, takes, or attempts to claim,	76
collect, or take money or anything of value in or from a casino	77
game with the intent to defraud or without having made a wager	78
contingent on winning a casino game;	79
(8) Claims, collects, or takes an amount of money or thing	80
of value of greater value than the amount won in a casino game;	81
(9) Uses or possesses counterfeit chips, tokens, or	82
cashless wagering instruments in or for use in a casino game;	83
(10) Possesses a key or device designed for opening,	84
entering, or affecting the operation of a casino game, drop box,	85
or an electronic or a mechanical device connected with the	86
casino game or removing coins, tokens, chips, or other contents	87
of a casino game. This division does not apply to a casino	88
operator, management company, or gaming-related vendor or their	89
agents and employees in the course of agency or employment.	90
(11) Possesses materials used to manufacture a device	91
intended to be used in a manner that violates this chapter;	92
(12) Operates a casino gaming operation in which wagering	93
is conducted or is to be conducted in a manner other than the	94
manner required under this chapter or a skill-based amusement	95
machine operation in a manner other than the manner required	96
under Chapter 2915. of the Revised Code.	97
(F) The possession of more than one of the devices	98
described in division (E) (9), (10), or (11) of this section	99
creates a rebuttable presumption that the possessor intended to	100
use the devices for cheating.	101
(G) A person who purposely or knowingly does any of the	102
following commits a felony of the third degree. If the person is	103
a licensee under this chapter, the commission shall revoke the	104

person's license after the first offense. A public servant or 105  
party official who is convicted under this division is forever 106  
disqualified from holding any public office, employment, or 107  
position of trust in this state. 108

(1) Offers, promises, or gives anything of value or 109  
benefit to a person who is connected with the casino operator, 110  
management company, holding company, or gaming-related vendor, 111  
including their officers and employees, under an agreement to 112  
influence or with the intent to influence the actions of the 113  
person to whom the offer, promise, or gift was made in order to 114  
affect or attempt to affect the outcome of a casino game or an 115  
official action of a commission member, agent, or employee; 116

(2) Solicits, accepts, or receives a promise of anything 117  
of value or benefit while the person is connected with a casino, 118  
including an officer or employee of a casino operator, 119  
management company, or gaming-related vendor, under an agreement 120  
to influence or with the intent to influence the actions of the 121  
person to affect or attempt to affect the outcome of a casino 122  
game or an official action of a commission member, agent, or 123  
employee; 124

(H) A person who knowingly or intentionally does any of 125  
the following while participating in casino gaming or otherwise 126  
transacting with a casino facility as permitted by Chapter 3772. 127  
of the Revised Code commits a felony of the fifth degree on a 128  
first offense and a felony of the fourth degree for a subsequent 129  
offense: 130

(1) Causes or attempts to cause a casino facility to fail 131  
to file a report required under 31 U.S.C. 5313(a) or 5325 or any 132  
regulation prescribed thereunder or section 1315.53 of the 133  
Revised Code, or to fail to file a report or maintain a record 134

required by an order issued under section 21 of the "Federal	135
Deposit Insurance Act" or section 123 of Pub. L. No. 91-508;	136
(2) Causes or attempts to cause a casino facility to file	137
a report required under 31 U.S.C. 5313(a) or 5325 or any	138
regulation prescribed thereunder or section 1315.53 of the	139
Revised Code, to file a report or to maintain a record required	140
by any order issued under 31 U.S.C. 5326, or to maintain a	141
record required under any regulation prescribed under section 21	142
of the "Federal Deposit Insurance Act" or section 123 of Pub. L.	143
No. 91-508 that contains a material omission or misstatement of	144
fact;	145
(3) With one or more casino facilities, structures a	146
transaction, is complicit in structuring a transaction, attempts	147
to structure a transaction, or is complicit in an attempt to	148
structure a transaction.	149
(I) A person who is convicted of a felony described in	150
this chapter may be barred for life from entering a casino	151
facility by the commission.	152
(J) As used in division (H) of this section:	153
(1) To be "complicit" means to engage in any conduct of a	154
type described in divisions (A) (1) to (4) of section 2923.03 of	155
the Revised Code.	156
(2) "Structure a transaction" has the same meaning as in	157
section 1315.51 of the Revised Code.	158
(K) Premises used or occupied in violation of division (E)	159
(12) of this section constitute a nuisance subject to abatement	160
under Chapter 3767. of the Revised Code.	161
<b>Section 2.</b> That existing section 3772.99 of the Revised	162

Code is hereby repealed.

163