

AMENDED IN SENATE SEPTEMBER 6, 2007

AMENDED IN SENATE JUNE 7, 2007

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 733

Introduced by Assembly Member Charles Calderon

February 22, 2007

An act to amend Sections 19840, 19844, and 19845 of the Business and Professions Code, relating to gambling.

LEGISLATIVE COUNSEL'S DIGEST

AB 733, as amended, Charles Calderon. Gambling: exclusion from gambling establishments.

The Gambling Control Act provides for the licensure of certain individuals and establishments involved in various gambling activities, and for the regulation of those activities, by the California Gambling Control Commission. The act provides for the enforcement of those activities by the ~~Division of Gambling Control within the~~ Department of Justice.

Existing law requires the commission, by regulation, to provide for the formulation of a list of persons who are to be excluded or ejected from any gambling establishment, to distribute that list to all owner licensees, and to provide notice to any persons included on the list. Existing law requires the commission to adopt regulations establishing procedures for the hearing of petitions by persons who are ejected or excluded from licensed premises pursuant to these or other specified provisions.

This bill would, instead, require that the above duties relating to persons who are to be excluded or ejected from any gambling establishment be performed by the ~~Division of Gambling Control~~ *Department of Justice*. The bill would allow the commission to recommend to the ~~division~~ *department* the names of persons it believes should be included on the list of those persons. The bill would make other technical, conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 19840 of the Business and Professions~~
2 ~~Code is amended to read:~~

3 ~~19840. The commission or, where specifically authorized, the~~
4 ~~division may adopt regulations for the administration and~~
5 ~~enforcement of this chapter. To the extent appropriate, regulations~~
6 ~~of the commission and the division shall take into consideration~~
7 ~~the operational differences of large and small establishments.~~

8 ~~SECTION 1. Section 19840 of the Business and Professions~~
9 ~~Code, as amended by Chapter 176 of the Statutes of 2007, is~~
10 ~~amended to read:~~

11 ~~19840. The commission or, where specifically authorized, the~~
12 ~~department may adopt regulations for the administration and~~
13 ~~enforcement of this chapter. To the extent appropriate, regulations~~
14 ~~of the commission and the department shall take into consideration~~
15 ~~the operational differences of large and small establishments.~~

16 ~~SEC. 2. Section 19844 of the Business and Professions Code~~
17 ~~is amended to read:~~

18 ~~19844. (a) The ~~division~~ department shall, by regulation,~~
19 ~~provide for the formulation of a list of persons who are to be~~
20 ~~excluded or ejected from any gambling establishment. The list~~
21 ~~may include any person whose presence in the establishment is~~
22 ~~determined by the ~~division~~ department to pose a threat to the~~
23 ~~interests of this state or to controlled gambling, or both.~~

24 ~~(b) In making the determination described in subdivision (a),~~
25 ~~the ~~division~~ department may consider, but is not limited to~~
26 ~~considering, any of the following:~~

27 ~~(1) Prior conviction of a crime that is a felony in this state or~~
28 ~~under the laws of the United States, a crime involving moral~~

1 turpitude, or a violation of the gambling laws of this or any other
2 state.

3 (2) The violation of, or conspiracy to violate, the provisions of
4 this chapter relating to the failure to disclose an interest in a
5 gambling establishment for which the person is required to obtain
6 a license, or the willful evasion of fees.

7 (3) A notorious or unsavory reputation that would adversely
8 affect public confidence and trust that the gambling industry is
9 free from criminal or corruptive elements.

10 (4) An order of exclusion or ejection from a racing enclosure
11 issued by the California Horse Racing Board.

12 (c) The ~~division~~ *department* shall distribute the list of persons
13 who are to be excluded or ejected from any gambling establishment
14 to all owner licensees and shall provide notice to any persons
15 included on the list.

16 (d) The ~~division~~ *department* shall adopt regulations establishing
17 procedures for the hearing of petitions by persons who are ejected
18 or excluded from licensed premises pursuant to this section or
19 pursuant to Section 19845.

20 (e) The commission, upon recommendation of the ~~division~~
21 *department*, may revoke, limit, condition, or suspend the license
22 of an owner, or fine an owner licensee, if that licensee knowingly
23 fails to exclude or eject from the gambling establishment of that
24 licensee any person included on the list of persons to be excluded
25 or ejected.

26 (f) The commission may recommend to the ~~division~~ *department*
27 the names of persons it believes should be included on the list of
28 persons who are to be excluded or ejected from any gambling
29 establishment.

30 SEC. 3. Section 19845 of the Business and Professions Code
31 is amended to read:

32 19845. (a) A licensee may remove from his or her licensed
33 premises any person who, while on the premises:

34 (1) Is a disorderly person, as defined by Section 647 of the Penal
35 Code.

36 (2) Interferes with a lawful gambling operation.

37 (3) Solicits or engages in any act of prostitution.

38 (4) Begs, is boisterous, or is otherwise offensive to other
39 persons.

40 (5) Commits any public offense.

1 (6) Is intoxicated.

2 (7) Is a person who the ~~division~~ *department*, pursuant to
3 regulation, has determined should be excluded from licensed
4 gambling establishments in the public interest.

5 (b) Nothing in this section shall be deemed, expressly or
6 impliedly, to preclude a licensee from exercising the right to deny
7 access to or to remove any person from its premises or property
8 for any reason the licensee deems appropriate.