

ASSEMBLY BILL

No. 621

Introduced by Assembly Member Floyd

February 19, 1999

An act to add Section 331.5 to the Penal Code, relating to gambling.

LEGISLATIVE COUNSEL'S DIGEST

AB 621, as introduced, Floyd. Casino: definition.

(1) The California Constitution, as amended by the California State Lottery Act of 1984, provides that the Legislature has no power to authorize, and shall prohibit, casinos of the type operating in Nevada and New Jersey at the time of the act's passage. Existing statutory law additionally provides that every person who deals, plays, carries on, opens, causes to be opened, or who conducts any of a number of named gambling games, or any banking or percentage game played with cards, dice, or any device, for money, checks, credit, or other representative of value, and every person who plays or bets against any of these prohibited games, is guilty of a misdemeanor.

This bill would define the term "casino," as used in the California Constitution, to mean a place where gambling or wagering is conducted and the players wager or gamble against the house, with the house collecting losing bets, and paying winning bets. The bill would exclude from this definition places where only California State Lottery tickets are sold or redeemed.

(2) The California State Lottery Act of 1984, an initiative measure, provides that none of its provisions may be changed except to further its purpose by a bill passed by a 2/3 vote of each house of the Legislature and signed by the Governor.

This bill, in conformance with those requirements, would declare that its provisions further the purpose of the act and would require a 2/3 vote for passage.

Vote: 2/3. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 331.5 is added to the Penal Code,
2 to read:

3 331.5. (a) "Casino," as that term is used in subdivision
4 (e) of Section 19 of Article IV of the California
5 Constitution, refers to a place where gambling or
6 wagering is conducted and the players wager or gamble
7 against the house, with the house collecting losing bets,
8 and paying winning bets.

9 (b) "Casino," as used in this section, does not include
10 a place where only California State Lottery tickets are
11 sold and redeemed.

12 SEC. 2. The Legislature finds and declares that
13 Section 1 of this act furthers the purposes of the California
14 State Lottery Act of 1984 (hereafter Lottery Act) by
15 clarifying the term "casino" as used in that measure. The
16 Legislature further finds and declares that this act shall
17 not reduce lottery revenues allocated to school districts
18 and community college districts pursuant to that act.

