

AMENDED IN SENATE APRIL 20, 2010

AMENDED IN SENATE MARCH 22, 2010

SENATE BILL

No. 1125

Introduced by Senator Florez

February 18, 2010

An act to amend Sections 19867, 19911, and 19921 of, and to add Section 19843.5 to, the Business and Professions Code, and to amend Section 330.11 of the Penal Code, relating to gaming.

LEGISLATIVE COUNSEL'S DIGEST

SB 1125, as amended, Florez. Gambling Control Act.

(1) 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. Existing law provides for the enforcement of those activities by the Department of Justice. Existing law requires that an application for a license or a determination of suitability be accompanied by a deposit that, in the judgment of the head of the entity within the Department of Justice that is responsible for fulfilling the obligations imposed by the act, will be adequate to pay the anticipated costs and charges incurred in the investigation and processing of the application. Existing law requires the head of that entity to adopt a schedule of costs and charges of investigation for use as guidelines in fixing the amount of any required deposit under these provisions.

This bill would require the department and commission to establish an enhanced fee schedule to provide for additional fees to be charged to applicants who wish to have their applications processed and background investigations conducted in an expedited manner.

(2) Existing law permits the commission to adopt regulations related to the operation of a gambling establishment, as provided.

This bill would provide that jackpot funds, to which players have made contributions, are considered trust funds that are held for the benefit of the players and are not the property of the gambling establishment.

(3) Existing law prohibits a person under 21 years of age from being eligible for a work permit in a gambling establishment. Existing law also prohibits a person under 21 years of age from entering the premises of a licensed gambling establishment, except as provided.

This bill would permit a person between 18 and 21 years of age to work in a gambling establishment in a classification that entails providing services on and off the gaming floor that are not involved in play of any controlled game, as provided.

(4) Existing law provides that a banking game does not include a controlled game if the published rules of the game feature a player-dealer position and provide that this position must be continuously and systematically rotated amongst each of the participants during the play of the game, and if other specified conditions are met.

This bill would make a conforming change to these provisions.

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 19843.5 is added to the Business and
2 Professions Code, to read:

3 19843.5. Jackpot funds held by a gambling establishment, to
4 which players have made contributions, following the deduction
5 of any administrative fee approved by the bureau, shall be
6 considered to be trust funds that are held for the benefit of the
7 players. These jackpot funds are not the property of the gambling
8 establishment, but are held solely for the benefit of the players.

9 SEC. 2. Section 19867 of the Business and Professions Code
10 is amended to read:

11 19867. (a) An application for a license or a determination of
12 suitability shall be accompanied by the deposit of a sum of money
13 that, in the judgment of the chief, will be adequate to pay the
14 anticipated costs and charges incurred in the investigation and
15 processing of the application. The chief shall adopt a schedule of

1 costs and charges of investigation for use as guidelines in fixing
2 the amount of any required deposit under this section. The schedule
3 shall distinguish between initial and renewal licenses with respect
4 to costs and charges.

5 (b) During an investigation, the chief may require an applicant
6 to deposit any additional sums as are required by the department
7 to pay final costs and charges of the investigation.

8 (c) Any money received from an applicant in excess of the costs
9 and charges incurred in the investigation or the processing of the
10 application shall be refunded pursuant to regulations adopted by
11 the department. At the conclusion of the investigation, the chief
12 shall provide the applicant a written, itemized accounting of the
13 costs and charges thereby incurred.

14 (d) The department and the commission shall establish an
15 enhanced fee schedule for applicants who wish to have their
16 applications processed and background investigations conducted
17 in an expedited manner. The payment of those enhanced fees shall
18 entitle the applicant to have their applications processed in a shorter
19 period of time than normally would be the case.

20 SEC. 3. Section 19911 of the Business and Professions Code
21 is amended to read:

22 19911. (a) No person under 21 years of age shall be eligible
23 for a work permit and no permit shall be issued to a person under
24 21 years of age.

25 (b) A person between 18 and 21 years of age may be employed
26 to work in a gambling establishment, provided that they may not
27 work as dealers, floor men, or any other employment classification
28 that exclusively involves working on the floor of the gambling
29 establishment. A person between 18 and 21 years of age may be
30 employed in job classifications that entail providing services on
31 and off the gaming floor that are not involved in play of any
32 controlled game.

33 SEC. 4. Section 19921 of the Business and Professions Code
34 is amended to read:

35 19921. (a) No person under 21 years of age shall be permitted
36 to enter upon the premises of a licensed gambling establishment,
37 or any part thereof, except the following:

38 (1) An area, physically separated from any gambling area, for
39 the exclusive purpose of dining. For purposes of this subdivision,

1 any place wherein food or beverages are dispensed primarily by
2 vending machines shall not constitute a place for dining.

3 (2) Restrooms.

4 (3) A supervised room that is physically separated from any
5 gambling area and used primarily for the purpose of entertainment
6 or recreation.

7 (4) A designated pathway to reach any of the areas described
8 in paragraphs (1) to (3), inclusive. To the extent that the designated
9 pathway requires an individual to enter upon or pass through the
10 gaming floor, all persons under 21 years of age shall be
11 accompanied by a person over 21 years of age or be in the presence
12 of a gambling establishment employee over 21 years of age.

13 (5) In accordance with the provisions of subdivision (b) of
14 ~~Section 19921~~ 19911.

15 (b) No person under 21 years of age shall be permitted to loiter
16 in a gaming area.

17 SEC. 5. Section 330.11 of the Penal Code is amended to read:

18 330.11. "Banking game" or "banked game" does not include
19 a controlled game if the published rules of the game feature a
20 player-dealer position and provide that this position must be
21 continuously and systematically rotated amongst each of the
22 participants during the play of the game, ensure that the
23 player-dealer is able to win or lose only a fixed and limited wager
24 during the play of the game, and preclude the gambling enterprise,
25 another entity, a player, or an observer from maintaining or
26 operating as a bank during the course of the game. For purposes
27 of this section it is not the intent of the Legislature to mandate
28 acceptance of the deal by every player if the division finds that the
29 rules of the game render the maintenance of or operation of a bank
30 impossible by other means. The gambling enterprise shall not
31 occupy the player-dealer position.