

ASSEMBLY, No. 774

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Removes and repeals all prohibitions, permits, licenses, and authorizations concerning wagers on professional, collegiate, or amateur sport contests or athletic events.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A774 CAPUTO, BURZICHELLI

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1 AN ACT removing and repealing all prohibitions, permits, licenses,
2 and authorizations concerning sports wagering, amending
3 P.L.2014, c.62, and repealing section 13 of P.L.2012, c.34.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 1 of P.L.2014, c.62 (C.5:12A-7) is amended to read
9 as follows:

10 1. The provisions of chapter 37 of Title 2C of the New Jersey
11 Statutes, chapter 40 of Title 2A of the New Jersey Statutes, chapter
12 5 of Title 5 of the Revised Statutes, and P.L.1977, c.110 (C.5:12-1
13 et seq.), as amended and supplemented, and any laws, rules **[and]** ,
14 or regulations that may require or authorize any State agency to
15 license, authorize, permit or otherwise take action to allow any
16 person to engage in the placement or acceptance of any wager on
17 any professional, collegiate, or amateur sport contest or athletic
18 event, or that prohibit participation in or operation of a pool that
19 accepts such wagers, are repealed **[to the extent they apply or may**
20 **be construed to apply at a casino or gambling house operating in**
21 **this State in Atlantic City or a running or harness horse racetrack in**
22 **this State, to the placement and acceptance of wagers on**
23 **professional, collegiate, or amateur sport contests or athletic events**
24 **by persons 21 years of age or older situated at such location or to**
25 **the operation of a wagering pool that accepts such wagers from**
26 **persons 21 years of age or older situated at such location, provided**
27 **that the operator of the casino, gambling house, or running or**
28 **harness horse racetrack consents to the wagering or operation.**

29 As used in this act, P.L.2014, c.62 (C.5:12A-7 et al.):

30 "collegiate sport contest or athletic event" shall not include a
31 collegiate sport contest or collegiate athletic event that takes place
32 in New Jersey or a sport contest or athletic event in which any New
33 Jersey college team participates regardless of where the event takes
34 place; and

35 "running or harness horse racetrack" means the physical facility
36 where a horse race meeting with parimutuel wagering is conducted
37 and includes any former racetrack where such a meeting was
38 conducted within 15 years prior to the effective date of this act,
39 excluding premises other than those where the racecourse itself was
40 located**].**

41 (cf: P.L.2014, c.62, s.1)
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43 2. Section 2 of P.L.2014, c.62 (C.5:12A-8) is amended to read
44 as follows:

EXPLANATION – Matter enclosed in bold-faced brackets **[thus] in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 2. The provisions of this act, P.L.2014, c.62 (C.5:12A-7 et al.),
2 as amended, are not intended and shall not be construed as causing
3 the State to sponsor, operate, advertise, promote, license, or
4 authorize by law or compact the placement or acceptance of any
5 wager on any professional, collegiate, or amateur sport contest or
6 athletic event but, rather, are intended and shall be construed to
7 remove and repeal all State laws and regulations prohibiting and
8 regulating the placement and acceptance【, at a casino or gambling
9 house operating in this State in Atlantic City or a running or harness
10 horse racetrack in this State,】 of wagers on professional, collegiate,
11 or amateur sport contests or athletic events 【by persons 21 years of
12 age or older situated at such locations】.
13 (cf: P.L.2014, c.62, s.2)

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15 3. Section 13 of P.L.2012, c.34 (C.5:12A-4.1) is repealed.

16
17 4. This act shall take effect on the 90th day next following the
18 date of enactment.

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STATEMENT

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23 This bill implements the decision of the United States Court of
24 Appeals for the Third Circuit in National Collegiate Athletic
25 Association v. Governor of New Jersey, 730 F.3d 208 (3d Cir.
26 2013) and National Collegiate Athletic Association v. Governor of
27 New Jersey, 2016 U.S. App. LEXIS 14606 (3d Cir. 2016). In its
28 2013 decision, the court in interpreting the Professional and
29 Amateur Sports Protection Act of 1992 (PASPA), 28 U.S.C. § 3701
30 *et seq.*, stated that it does “not read PASPA to prohibit New Jersey
31 from repealing its ban on sports wagering.” National Collegiate
32 Athletic Association, 730 F.3d at 232. The sponsor believes that
33 the court, in its 2016 decision, made it clear that a total repeal by
34 New Jersey of its ban on sports wagering would not violate PASPA.
35 This bill would totally remove and repeal the State’s prohibitions,
36 permits, licenses, and authorizations concerning wagers on
37 professional, collegiate, or amateur sport contests or athletic events.