

# ASSEMBLY, No. 5817

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED NOVEMBER 7, 2019

**Sponsored by:**

**Assemblyman VINCENT MAZZEO**

**District 2 (Atlantic)**

**Assemblyman JOHN ARMATO**

**District 2 (Atlantic)**

**SYNOPSIS**

Allows certain persons to qualify for casino key employee license and casino employee registration.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/15/2019)**

1 AN ACT concerning disqualification for a casino key employee  
2 license and a casino employee registration and amending  
3 P.L.1977, c.110.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. Section 89 of P.L.1977, c.110 (C.5:12-89) is amended to  
9 read as follows:

10 89. Licensing of Casino Key Employees. a. No casino licensee  
11 or a holding or intermediary company of a casino licensee may  
12 employ any person as a casino key employee unless the person is  
13 the holder of a valid casino key employee license issued by the  
14 commission.

15 b. Each applicant for a casino key employee license must, prior  
16 to the issuance of any casino key employee license, produce  
17 information, documentation and assurances concerning the  
18 following qualification criteria:

19 (1) Each applicant for a casino key employee license shall  
20 produce such information, documentation and assurances as may be  
21 required to establish by clear and convincing evidence the financial  
22 stability, integrity and responsibility of the applicant, including but  
23 not limited to bank references, business and personal income and  
24 disbursements schedules, tax returns and other reports filed with  
25 governmental agencies, and business and personal accounting and  
26 check records and ledgers. In addition, each applicant shall, in  
27 writing, authorize the examination of all bank accounts and records  
28 as may be deemed necessary by the commission or the division.

29 (2) Each applicant for a casino key employee license shall  
30 produce such information, documentation and assurances as may be  
31 required to establish by clear and convincing evidence the  
32 applicant's good character, honesty and integrity. Such information  
33 shall include, without limitation, data pertaining to family, habits,  
34 character, reputation, criminal and arrest record, business activities,  
35 financial affairs, and business, professional and personal associates,  
36 covering at least the 10-year period immediately preceding the  
37 filing of the application. Each applicant shall notify the commission  
38 and the division of any civil judgments obtained against such  
39 applicant pertaining to antitrust or security regulation laws of the  
40 federal government, of this State or of any other state, jurisdiction,  
41 province or country. In addition, each applicant shall, upon request  
42 of the commission or the division, produce letters of reference from  
43 law enforcement agencies having jurisdiction in the applicant's  
44 place of residence and principal place of business, which letters of  
45 reference shall indicate that such law enforcement agencies do not

**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 have any pertinent information concerning the applicant, or if such  
2 law enforcement agency does have information pertaining to the  
3 applicant, shall specify what that information is. If the applicant has  
4 been associated with gaming or casino operations in any capacity,  
5 position or employment in a jurisdiction which permits such  
6 activity, the applicant shall, upon request of the commission or  
7 division, produce letters of reference from the gaming or casino  
8 enforcement or control agency, which shall specify the experience  
9 of such agency with the applicant, his associates and his  
10 participation in the gaming operations of that jurisdiction; provided,  
11 however, that if no such letters are received from the appropriate  
12 law enforcement agencies within 60 days of the applicant's request  
13 therefor, the applicant may submit a statement under oath that he is  
14 or was during the period such activities were conducted in good  
15 standing with such gaming or casino enforcement or control agency.

16 (3) (Deleted by amendment, P.L.1995, c.18.)

17 (4) Each applicant employed by a casino licensee shall be a  
18 resident of the State of New Jersey prior to the issuance of a casino  
19 key employee license; provided, however, that upon petition by the  
20 holder of a casino license, the commission may waive this residency  
21 requirement for any applicant whose particular position will require  
22 him to be employed outside the State; and provided further that no  
23 applicant employed by a holding or intermediary company of a  
24 casino licensee shall be required to establish residency in this State.

25 (5) For the purposes of this section, each applicant shall submit  
26 to the division the applicant's name, address, fingerprints and  
27 written consent for a criminal history record background check to  
28 be performed. The division is hereby authorized to exchange  
29 fingerprint data with and receive criminal history record  
30 information from the State Bureau of Identification in the Division  
31 of State Police and the Federal Bureau of Investigation consistent  
32 with applicable State and federal laws, rules and regulations. The  
33 applicant shall bear the cost for the criminal history record  
34 background check, including all costs of administering and  
35 processing the check. The Division of State Police shall promptly  
36 notify the division in the event a current or prospective licensee,  
37 who was the subject of a criminal history record background check  
38 pursuant to this section, is arrested for a crime or offense in this  
39 State after the date the background check was performed.

40 c. (Deleted by amendment, P.L.1995, c.18.)

41 d. The commission shall deny a casino key employee license to  
42 any applicant who is disqualified on the basis of the criteria  
43 contained in section 86 of **【this act】** P.L.1977, c.110 (C.5:12-86).  
44 Notwithstanding the provisions of this subsection, or any other law,  
45 rule, or regulation to the contrary, the commission may issue a  
46 casino key employee license to any applicant who would otherwise  
47 be disqualified on the basis of the criteria contained in subsection c.  
48 of section 86 of P.L.1977, c.110 (C.5:12-86), if that applicant has

1 been sentenced to, and successfully discharged from, a term of  
2 special probation as provided under N.J.S.2C:35-14 for the  
3 conviction of an offense involving a controlled dangerous  
4 substance, an imitation controlled dangerous substance, or a  
5 controlled substance analog or if that applicant has been convicted  
6 of a third or fourth degree offense involving a controlled dangerous  
7 substance, an imitation controlled dangerous substance, or a  
8 controlled substance analog and has successfully completed a  
9 licensed drug treatment program within the Department of  
10 Corrections and has completed serving the sentence imposed for  
11 that crime, including any term of parole supervision.

12 e. Upon petition by the holder of a casino license, the  
13 commission may issue a temporary license to an applicant for a  
14 casino key employee license, provided that:

15 (1) The applicant for the casino key employee license has filed a  
16 completed application as required by the commission;

17 (2) The division either certifies to the commission that the  
18 completed casino key employee license application as specified in  
19 paragraph (1) of this subsection has been in the possession of the  
20 division for at least 15 days or agrees to allow the commission to  
21 consider the application in some lesser time;

22 (3) (Deleted by amendment, P.L.1995, c.18.)

23 (4) The petition for a temporary casino key employee license  
24 certifies, and the commission finds, that an existing casino key  
25 employee position of the petitioner is vacant or will become vacant  
26 within 60 days of the date of the petition and that the issuance of a  
27 temporary key employee license is necessary to fill the said vacancy  
28 on an emergency basis to continue the efficient operation of the  
29 casino, and that such circumstances are extraordinary and not  
30 designed to circumvent the normal licensing procedures of this act;

31 (5) The division does not object to the issuance of the temporary  
32 casino key employee license.

33 Unless otherwise terminated pursuant to this act, any temporary  
34 casino key employee license issued pursuant to this subsection shall  
35 expire nine months from the date of its issuance.

36 (cf: P.L.2011, c.19, s.55)

37

38 2. Section 91 of P.L.1977, c.110 (C.5:12-91) is amended to  
39 read as follows:

40 91. Registration of Casino Employees. a. No person may  
41 commence employment as a casino employee unless such person  
42 has a valid registration on file with the division, which registration  
43 shall be prepared and filed in accordance with the regulations  
44 promulgated hereunder.

45 b. A casino employee registrant shall produce such information  
46 as the division by regulation may require. Subsequent to the  
47 registration of a casino employee, the director may revoke, suspend,  
48 limit, or otherwise restrict the registration upon a finding that the

1 registrant is disqualified on the basis of the criteria contained in  
2 section 86 of P.L.1977, c.110 (C.5:12-86). If a casino employee  
3 registrant has not been employed in any position within a casino  
4 hotel facility for a period of three years, the registration of that  
5 casino employee shall lapse.

6 c. (Deleted by amendment, P.L.2011, c.19)

7 d. Notwithstanding the provisions of subsection b. of this  
8 section, no casino employee registration shall be revoked on the  
9 basis of a conviction of any of the offenses enumerated in this act as  
10 disqualification criteria or the commission of any act or acts which  
11 would constitute any offense under subsection c. of section 86 of  
12 P.L.1977, c.110 (C.5:12-86), as specified in subsection g. of that  
13 section, provided that the registrant has affirmatively demonstrated  
14 the registrant's rehabilitation. In determining whether the registrant  
15 has affirmatively demonstrated the registrant's rehabilitation the  
16 director shall consider the following factors:

17 (1) The nature and duties of the registrant's position;

18 (2) The nature and seriousness of the offense or conduct;

19 (3) The circumstances under which the offense or conduct  
20 occurred;

21 (4) The date of the offense or conduct;

22 (5) The age of the registrant when the offense or conduct was  
23 committed;

24 (6) Whether the offense or conduct was an isolated or repeated  
25 incident;

26 (7) Any social conditions which may have contributed to the  
27 offense or conduct;

28 (8) Any evidence of rehabilitation, including good conduct in  
29 prison or in the community, counseling or psychiatric treatment  
30 received, acquisition of additional academic or vocational  
31 schooling, successful participation in correctional work-release  
32 programs, or the recommendation of persons who have or have had  
33 the registrant under their supervision.

34 e. (Deleted by amendment, P.L.2011, c.19)

35 f. (Deleted by amendment, P.L.2011, c.19)

36 g. For the purposes of this section, each registrant shall submit  
37 to the division the registrant's name, address, fingerprints and  
38 written consent for a criminal history record background check to  
39 be performed. The division is hereby authorized to exchange  
40 fingerprint data with and receive criminal history record  
41 information from the State Bureau of Identification in the Division  
42 of State Police and the Federal Bureau of Investigation consistent  
43 with applicable State and federal laws, rules and regulations. The  
44 registrant shall bear the cost for the criminal history record  
45 background check, including all costs of administering and  
46 processing the check. The Division of State Police shall promptly  
47 notify the division in the event a current or prospective licensee,  
48 who was the subject of a criminal history record background check

1 pursuant to this section, is arrested for a crime or offense in this  
2 State after the date the background check was performed.

3 h. Notwithstanding the provisions of subsection b. of this  
4 section, or any other law, rule, or regulation to the contrary, the  
5 division may issue a casino employee registration to, and shall not  
6 be required to revoke the registration of, any applicant who would  
7 otherwise be disqualified on the basis of the criteria contained in  
8 subsection c. of section 86 of P.L.1977, c.110 (C.5:12-86), if that  
9 applicant has been sentenced to, and successfully discharged from,  
10 a term of special probation as provided under N.J.S.2C:35-14 for  
11 the conviction of an offense involving a controlled dangerous  
12 substance, an imitation controlled dangerous substance, or a  
13 controlled substance analog or if the applicant has been convicted  
14 of a third or fourth degree offense involving a controlled dangerous  
15 substance, an imitation controlled dangerous substance, or a  
16 controlled substance analog and has completed serving the sentence  
17 imposed for that crime, including any term of parole supervision.  
18 (cf: P.L.2011, c.19, s.56)

19

20 3. This act shall take effect immediately.

21

22

23

#### STATEMENT

24

25 Under current law, persons who have been convicted of certain  
26 drug offenses are ineligible to apply for a casino key employee  
27 license and a casino employee registration. Some of these drug  
28 offenses are eligible to be adjudicated through special probation  
29 under N.J.S.A.2C:35-14. Among other criteria, to qualify for  
30 special probation, a professional diagnostic assessment must find  
31 that the person who committed the offense is drug or alcohol  
32 dependent and would benefit from treatment. Special probation  
33 serves as an alternative to incarceration by allowing the person to  
34 complete a residential or non-residential rehabilitation program or  
35 process that could last up to five years.

36 This bill provides that the Casino Control Commission may issue  
37 a casino key employee license, and the Division of Gaming  
38 Enforcement may issue a casino employee registration, to any  
39 applicant who has been sentenced to, and successfully discharged  
40 from, a term of special probation as provided under N.J.S.2C:35-14  
41 for the conviction of an offense involving a controlled dangerous  
42 substance, an imitation controlled dangerous substance, or a  
43 controlled substance analog. This bill would also prohibit the  
44 division from revoking an existing casino employee registration of  
45 such an applicant.

46 The following crimes on the list of disqualification criteria under  
47 N.J.S.A.5:12-86 would no longer disqualify a casino key employee  
48 or casino employee applicant if the applicant was successfully

1 discharged from a special probation program with respect to those  
2 crimes: N.J.S.A.2C:35-5 (manufacturing, distributing or dispensing  
3 a controlled dangerous substance or a controlled dangerous  
4 substance analog which constitutes a crime of the second or third  
5 degree); N.J.S.A.2C:35-7 (distributing, dispensing or possessing a  
6 controlled dangerous substance or a controlled substance analog on  
7 or within 1,000 feet of school property or bus); N.J.S.A.2C:35-7.1  
8 (distributing, dispensing or possessing a controlled dangerous  
9 substance or a controlled substance analog in proximity to public  
10 housing facilities, parks or buildings); N.J.S.A.2C:35-11  
11 (distribution, possession or manufacture of imitation controlled  
12 dangerous substances); and N.J.S.A.2C:35-13 (acquisition of  
13 controlled dangerous substances by fraud).