

[First Reprint]

SENATE, No. 2330

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MARCH 22, 2018

Sponsored by:

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District 2 (Atlantic)

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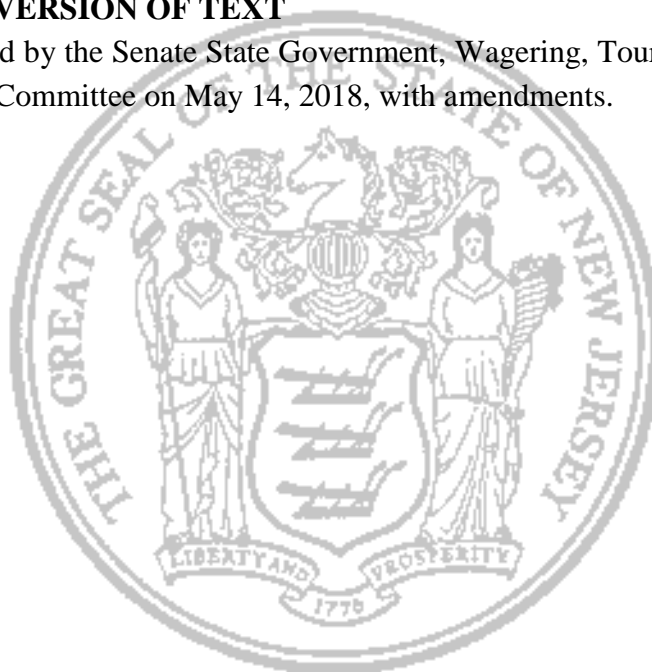
Senators Addiego, Cruz-Perez and O'Scanlon

SYNOPSIS

Allows persons who successfully completed special probation for certain drug offenses to qualify for casino key employee license and casino employee registration.

CURRENT VERSION OF TEXT

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on May 14, 2018, with amendments.



(Sponsorship Updated As Of: 6/1/2018)

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SSG committee amendments adopted May 14, 2018.

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. Notwithstanding the provisions
44 of this subsection, or any other law, rule, or regulation to the
45 contrary, the commission shall not deny a casino key employee
46 license to any applicant who has been sentenced to, and
47 successfully discharged from, a term of special probation as
48 provided under N.J.S.2C:35-14 for the conviction of an offense

1 involving a controlled dangerous substance, an imitation controlled
2 dangerous substance, or a controlled substance analog.

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

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

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

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

14 (4) The petition for a temporary casino key employee license
15 certifies, and the commission finds, that an existing casino key
16 employee position of the petitioner is vacant or will become vacant
17 within 60 days of the date of the petition and that the issuance of a
18 temporary key employee license is necessary to fill the said vacancy
19 on an emergency basis to continue the efficient operation of the
20 casino, and that such circumstances are extraordinary and not
21 designed to circumvent the normal licensing procedures of this act;

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

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

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

28
29 2. Section 91 of P.L.1977, c.110 (C.5:12-91) is amended to
30 read as follows:

31 91. Registration of Casino Employees. a. No person may
32 commence employment as a casino employee unless such person
33 has a valid registration on file with the division, which registration
34 shall be prepared and filed in accordance with the regulations
35 promulgated hereunder.

36 b. A casino employee registrant shall produce such information
37 as the division by regulation may require. Subsequent to the
38 registration of a casino employee, the director may revoke, suspend,
39 limit, or otherwise restrict the registration upon a finding that the
40 registrant is disqualified on the basis of the criteria contained in
41 section 86 of P.L.1977, c.110 (C.5:12-86). If a casino employee
42 registrant has not been employed in any position within a casino
43 hotel facility for a period of three years, the registration of that
44 casino employee shall lapse.

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

46 d. Notwithstanding the provisions of subsection b. of this
47 section, no casino employee registration shall be revoked on the
48 basis of a conviction of any of the offenses enumerated in this act as

1 disqualification criteria or the commission of any act or acts which
2 would constitute any offense under subsection c. of section 86 of
3 P.L.1977, c.110 (C.5:12-86), as specified in subsection g. of that
4 section, provided that the registrant has affirmatively demonstrated
5 the registrant's rehabilitation. In determining whether the registrant
6 has affirmatively demonstrated the registrant's rehabilitation the
7 director shall consider the following factors:

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

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

10 (3) The circumstances under which the offense or conduct
11 occurred;

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

13 (5) The age of the registrant when the offense or conduct was
14 committed;

15 (6) Whether the offense or conduct was an isolated or repeated
16 incident;

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

19 (8) Any evidence of rehabilitation, including good conduct in
20 prison or in the community, counseling or psychiatric treatment
21 received, acquisition of additional academic or vocational
22 schooling, successful participation in correctional work-release
23 programs, or the recommendation of persons who have or have had
24 the registrant under their supervision.

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

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

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

42 h. Notwithstanding the provisions of subsection b. of this
43 section, or any other law, rule, or regulation to the contrary, the
44 '[commission] division' shall not deny a casino employee
45 registration to, or revoke the registration of, any applicant who has
46 been sentenced to, and successfully discharged from, a term of
47 special probation as provided under N.J.S.2C:35-14 for the
48 conviction of an offense involving a controlled dangerous

1 substance, an imitation controlled dangerous substance, or a
2 controlled substance analog.

3 (cf: P.L.2011, c.19, s.56)

4

5 3. This act shall take effect immediately.