

[Second 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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District 1 (Atlantic, Cape May and Cumberland)

Co-Sponsored by:

Senators Addiego, Cruz-Perez and O'Scanlon

SYNOPSIS

Allows certain persons convicted of certain drug offenses to qualify for casino key employee license and casino employee registration.

CURRENT VERSION OF TEXT

As amended by the Senate on September 27, 2018.



(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

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.

²Senate floor amendments adopted September 27, 2018.

1 reference shall indicate that such law enforcement agencies do not
2 have any pertinent information concerning the applicant, or if such
3 law enforcement agency does have information pertaining to the
4 applicant, shall specify what that information is. If the applicant has
5 been associated with gaming or casino operations in any capacity,
6 position or employment in a jurisdiction which permits such
7 activity, the applicant shall, upon request of the commission or
8 division, produce letters of reference from the gaming or casino
9 enforcement or control agency, which shall specify the experience
10 of such agency with the applicant, his associates and his
11 participation in the gaming operations of that jurisdiction; provided,
12 however, that if no such letters are received from the appropriate
13 law enforcement agencies within 60 days of the applicant's request
14 therefor, the applicant may submit a statement under oath that he is
15 or was during the period such activities were conducted in good
16 standing with such gaming or casino enforcement or control agency.

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

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

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

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

42 d. The commission shall deny a casino key employee license to
43 any applicant who is disqualified on the basis of the criteria
44 contained in section 86 of ²~~["this act"]~~ P.L.1977, c.110 (C.5:12-86)².
45 Notwithstanding the provisions of this subsection, or any other law,
46 rule, or regulation to the contrary, the commission ²[shall not deny]
47 may issue² a casino key employee license to any applicant who
48 ²would otherwise be disqualified on the basis of the criteria

1 contained in subsection c. of section 86 of P.L.1977, c.110 (C.5:12-
2 86), if that applicant² has been sentenced to, and successfully
3 discharged from, a term of special probation as provided under
4 N.J.S.2C:35-14 for the conviction of an offense involving a
5 controlled dangerous substance, an imitation controlled dangerous
6 substance, or a controlled substance analog ²or if that applicant has
7 been convicted of a third or fourth degree offense involving a
8 controlled dangerous substance, an imitation controlled dangerous
9 substance, or a controlled substance analog and has successfully
10 completed a licensed drug treatment program within the Department
11 of Corrections and has completed serving the sentence imposed for
12 that crime, including any term of parole supervision².

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

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

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

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

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

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

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

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

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

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

46 b. A casino employee registrant shall produce such information
47 as the division by regulation may require. Subsequent to the
48 registration of a casino employee, the director may revoke, suspend,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 who was the subject of a criminal history record background check
2 pursuant to this section, is arrested for a crime or offense in this
3 State after the date the background check was performed.

4 h. Notwithstanding the provisions of subsection b. of this
5 section, or any other law, rule, or regulation to the contrary, the
6 ¹[commission] division¹ ²[shall not deny] may issue² a casino
7 employee registration to, ²[or] and shall not be required to² revoke
8 the registration of, any applicant who ²would otherwise be
9 disqualified on the basis of the criteria contained in subsection c. of
10 section 86 of P.L.1977, c.110 (C.5:12-86), if that applicant² has
11 been sentenced to, and successfully discharged from, a term of
12 special probation as provided under N.J.S.2C:35-14 for the
13 conviction of an offense involving a controlled dangerous
14 substance, an imitation controlled dangerous substance, or a
15 controlled substance analog ²or if the applicant has been convicted
16 of a third or fourth degree offense involving a controlled dangerous
17 substance, an imitation controlled dangerous substance, or a
18 controlled substance analog and has successfully completed a
19 licensed drug treatment program within the Department of
20 Corrections and has completed serving the sentence imposed for
21 that crime, including any term of parole supervision².

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

23
24 3. This act shall take effect immediately.