

SENATE, No. 1291

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Senator BASSANO

1 AN ACT concerning certain activities on premises licensed for the sale  
2 of alcoholic beverages and supplementing Title 33 of the Revised  
3 Statutes and amending N.J.S.2C:37-1.

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

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8 1. (New section) a. Notwithstanding the provisions of any law,  
9 rule or regulation to the contrary, the holder of a plenary retail  
10 consumption license or club license pursuant to R.S.33:1-12 or the  
11 holder of a social affair permit may sponsor, or permit the use of the  
12 licensed premises for, an event or function in which simulated  
13 gambling activity occurs provided the activity is presented only for  
14 entertainment.

15 b. As used in this act:

16 "Simulated gambling activity" means an activity which imitates a  
17 gambling game or horse racing and which may require the use of  
18 identical or similar equipment or paraphernalia, but which does not  
19 require payment of money or any other consideration to participate in  
20 the activity, other than the price of admission to an event or function  
21 which has a purpose other than the simulated gambling activity, and  
22 for which no prizes are awarded.

23 "Gambling game" means roulette, craps, baccarat, blackjack and  
24 any other game so designated as such by the Director of the Division  
25 of Alcoholic Beverage Control pursuant to rule and regulation. The  
26 term shall not include electronic games, including but not limited to,  
27 slot machines and video poker.

28 c. Pursuant to the "Administrative Procedure Act," P.L.1968,  
29 c.410 (C.52:14B-1 et seq.), the director shall promulgate rules and  
30 regulations to effectuate the purposes of this act.

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32 2. N.J.S.2C:37-1 is amended to read as follows:

33 2C:37-1. The following definitions apply to this chapter and to  
34 chapter 64:

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

**Matter underlined thus is new matter.**

- 1 a. "Contest of chance" means any contest, game, pool, gaming  
2 scheme or gaming device in which the outcome depends in a material  
3 degree upon an element of chance, notwithstanding that skill of the  
4 contestants or some other persons may also be a factor therein.
- 5 b. "Gambling" means staking or risking something of value upon  
6 the outcome of a contest of chance or a future contingent event not  
7 under the actor's control or influence, upon an agreement or  
8 understanding that he will receive something of value in the event of  
9 a certain outcome. The term shall not include "simulated gambling  
10 activity" authorized pursuant to section 1 of P.L. c. (C. ) (now  
11 pending before the Legislature as this bill).
- 12 c. "Player" means a person who engages in any form of gambling  
13 solely as a contestant or bettor, without receiving or becoming  
14 entitled to receive any profit therefrom other than personal gambling  
15 winnings, and without otherwise rendering any material assistance to  
16 the establishment, conduct or operation of the particular gambling  
17 activity. A person who gambles at a social game of chance on equal  
18 terms with the other participants therein does not thereby render  
19 material assistance to the establishment, conduct or operation of such  
20 game if he performs, without fee or remuneration, acts directed toward  
21 the arrangement or facilitation of the game, such as inviting persons  
22 to play, permitting the use of premises therefor or supplying cards or  
23 other equipment used therein. A person who engages in  
24 "bookmaking" as defined in this section is not a "player."
- 25 d. "Something of value" means any money or property, any token,  
26 object or article exchangeable for money or property, or any form of  
27 credit or promise directly or indirectly contemplating transfer of  
28 money or property or of any interest therein, or involving extension  
29 of a service, entertainment or a privilege of playing at a game or  
30 scheme without charge. This definition, however, does not include  
31 any form of promise involving extension of a privilege of playing at  
32 a game without charge on a mechanical or electronic amusement  
33 device, other than a slot machine as an award for the attainment of a  
34 certain score on that device.
- 35 e. "Gambling device" means any device, machine, paraphernalia or  
36 equipment which is used or usable in the playing phases of any  
37 gambling activity, whether such activity consists of gambling between  
38 persons or gambling by a person involving the playing of a machine.  
39 Notwithstanding the foregoing, lottery tickets, policy slips and other  
40 items used in the playing phases of lottery and policy schemes or  
41 devices, paraphernalia or equipment used in simulated gambling  
42 activity pursuant to section 1 of P.L. , c. (C. ) ( now pending  
43 before the Legislature as this bill) are not gambling devices.
- 44 f. "Slot machine" means any mechanical, electrical or other device,  
45 contrivance or machine which, upon insertion of a coin, token or  
46 similar object therein, or upon payment of any consideration

1 whatsoever, is available to play or operate, the play or operation of  
2 which, whether by reason of the skill of the operator or application of  
3 the element of chance, or both, may deliver or entitle the person  
4 playing or operating the machine to receive cash or tokens to be  
5 exchanged for cash, whether the payoff is made automatically from the  
6 machine or in any other manner whatsoever. A device so constructed,  
7 or readily adaptable or convertible to such use, is no less a slot  
8 machine because it is not in working order or because some  
9 mechanical act of manipulation or repair is required to accomplish its  
10 adaptation, conversion or workability.

11 g. "Bookmaking" means advancing gambling activity by unlawfully  
12 accepting bets from members of the public upon the outcome of  
13 future contingent events as a business.

14 h. "Lottery" means an unlawful gambling scheme in which (a) the  
15 players pay or agree to pay something of value for chances,  
16 represented and differentiated by numbers or by combinations of  
17 numbers or by some other media, one or more of which chances are  
18 to be designated the winning ones; and (b) the winning chances are to  
19 be determined by a drawing or by some other method based upon the  
20 element of chance; and (c) the holders of the winning chances are to  
21 receive something of value.

22 i. "Policy" or "the numbers game" means a form of lottery in  
23 which the winning chances or plays are not determined upon the basis  
24 of a drawing or other act on the part of persons conducting or  
25 connected with the scheme, but upon the basis of the outcome or  
26 outcomes of a future contingent event or events otherwise unrelated  
27 to the particular scheme.

28 j. "Gambling resort" means a place to which persons may resort  
29 for engaging in gambling activity.

30 k. "Unlawful" means not specifically authorized by law.  
31 (cf: P.L.1982, c.60, s.1)

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33 3. This act shall take effect immediately.

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#### STATEMENT

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38 This bill permits alcoholic beverage retail consumption licensees,  
39 club licensees and social affair permit holders to sponsor or permit the  
40 use of the licensed premises for an event or function in which  
41 simulated gambling activity occurs. These events are commonly  
42 advertised as video horse racing and casino nights, Monte Carlo  
43 nights or Las Vegas nights.

44 The bill defines "simulated gambling activity" as an activity which  
45 (1) imitates a gambling game or horse racing and which may require  
46 the use of identical or similar equipment or paraphernalia, but (2)

1 does not require payment of money or any other consideration to  
2 participate in the activity, other than the price of admission to an event  
3 or function which has a purpose other than the simulated gambling  
4 activity, and (3) for which no prizes are awarded. The bill defines a  
5 gambling game as roulette, craps, baccarat, blackjack, and any other  
6 game designated as such by the Director of the Division of Alcoholic  
7 Beverage Control. Electronic games, including but not limited to, slot  
8 machines and video poker would not be permitted under the provisions  
9 of the bill.

10 The bill also provides that simulated gambling activities would not  
11 be considered gambling for purposes of chapter 37 of Title 2C (the  
12 State criminal code).

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18 Permits certain simulated gambling on premises licensed to sell  
alcoholic beverages.