S T A T E O F N E W Y O R K

767--B

2009-2010 Regular Sessions

I N S E N A T E

January 15, 2009

Introduced by Sen. C. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to poker tournaments

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative intent. The legislature hereby finds and declares poker to be a game of chance, notwithstanding that certain games of poker may reward skill of a participant. It is further found that poker is a popular activity and, if played in tournament fashion, may assist bona fide licensed authorized charitable, educational, scientific, health, religious and patriotic organizations with the raising of funds for their lawful purposes.

S 2. Subdivision 3 of section 186 of the general municipal law, as amended by section 5 of part B of chapter 383 of the laws of 2001, is amended to read as follows:

3. "Games of chance" shall mean and include only the games known as "merchandise wheels", "coin boards", "merchandise boards", "seal cards", "raffles", "POKER TOURNAMENTS" and "bell jars" and such other specific games as may be authorized by the board, in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance, but not including games commonly known as "bingo or lotto" which are controlled under article fourteen-H of this chapter and also not including "bookmaking", "policy or numbers

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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games" and "lottery" as defined in section 225.00 of the penal law. No game of chance shall involve wagering of money by one player against another player.

S 3. Section 186 of the general municipal law is amended by adding a new subdivision 3-e to read as follows:

3-E. "POKER TOURNAMENT" SHALL MEAN AND INCLUDE THOSE GAMES OF CHANCE IN WHICH PARTICIPANTS COMPETE BY PLAYING POKER GAMES THAT ARE APPROVED BY THE BOARD. PLACEMENT IN A POKER TOURNAMENT SHALL BE DETERMINED BY THE NUMBER OF POKER CHIPS THAT ARE ACCUMULATED DURING THE COURSE OF PLAY OR BY THE VARIOUS TIMES THAT CONTESTANTS ARE ELIMINATED FROM THE TOURNAMENT DURING THE COURSE OF PLAY. POKER CHIPS SHALL BE ALLOTTED TO CONTESTANTS IN ACCORDANCE WITH RULES THAT ARE ADOPTED BY THE BOARD.

S 4. Subdivision 14 of section 186 of the general municipal law, as amended by chapter 637 of the laws of 1999, is amended to read as follows:

14. "One occasion" shall mean the successive operations of any one single type of game of chance which results in the awarding of a series of prizes amounting to five hundred dollars or four hundred dollars during any one license period, in accordance with the provisions of subdivision eight of section one hundred eighty-nine of this article, as the case may be. For purposes of the game of chance known as a merchandise wheel or a raffle, "one occasion" shall mean the successive operations of any one such merchandise wheel or raffle for which the limit on a series of prizes provided by subdivision six of section one hundred eighty-nine of this article shall apply. For purposes of the game of chance known as a bell jar, "one occasion" shall mean the successive operation of any one such bell jar, seal card, coin board, or merchandise board which results in the awarding of a series of prizes amounting to three thousand dollars. For the purposes of the game of chance known as raffle "one occasion" shall mean a calendar year during which successive operations of such game are conducted. FOR THE PURPOSE OF THE GAME KNOWN AS A POKER TOURNAMENT, "ONE OCCASION" SHALL MEAN THE PERIOD OF TIME FROM THE COMMENCEMENT OF SUCH TOURNAMENT UNTIL A WINNER OR WINNERS IS DETERMINED OR A PRE-DETERMINED TIME TO CONCLUDE THE TOURNAMENT HAS BEEN REACHED.

S 5. Subdivision 5 of section 189 of the general municipal law, as amended by chapter 337 of the laws of 1998, is amended to read as follows:

5. No single prize awarded by games of chance other than raffle OR POKER TOURNAMENT shall exceed the sum or value of three hundred dollars, except that for merchandise wheels, no single prize shall exceed the sum or value of two hundred fifty dollars. No single prize awarded by raffle shall exceed the sum or value of fifty thousand dollars, except that an authorized organization may award by raffle a single prize having a value of up to and including one hundred thousand dollars if its application for a license filed pursuant to section one hundred ninety of this article includes a statement of its intent to award a prize having such value. No single wager shall exceed six dollars and for bell jars, coin boards, or merchandise boards, no single prize shall exceed five hundred dollars provided, however, that such limitation shall not apply to the amount of money or value paid by the participant in a raffle in return for a ticket or other receipt. For coin boards and merchandise boards, the value of a prize shall be determined by its costs to the authorized organization or, if donated, its fair market value.

S 6. Subdivision 8 of section 189 of the general municipal law, as amended by chapter 550 of the laws of 1994, is amended to read as follows:

8. Except for merchandise wheels [and], raffles AND POKER TOURNAMENTS, no series of prizes on any one occasion shall aggregate more than four hundred dollars when the licensed authorized organization conducts five single types of games of chance during any one license period. Except for merchandise wheels, raffles [and] bell jars, AND POKER TOURNAMENTS, no series of prizes on any one occasion shall aggregate more than five hundred dollars when the licensed authorized organization conducts less than five single types of games of chance, exclusive of merchandise wheels, raffles [and], bell jars AND POKER TOURNAMENTS, during any one license period. No authorized organization shall award by raffle OR POKER TOURNAMENT prizes with an aggregate value in excess of one hundred thousand dollars during any one license period.

S 7. Section 195-e of the general municipal law, as amended by chapter 94 of the laws of 1981, is amended to read as follows:

S 195-e. Advertising games. A licensee may advertise the conduct of games of chance to the general public by means of newspaper, circular, handbill and poster, and by one sign not exceeding sixty square feet in area, which may be displayed on or adjacent to the premises owned or occupied by a licensed authorized organization, and when an organization is licensed to conduct games of chance on premises of an authorized games of chance lessor, one additional such sign may be displayed on or adjacent to the premises in which the games are to be conducted. Additional signs may be displayed upon any fire fighting equipment belonging to any licensed authorized organization which is a volunteer fire company, or upon any equipment of a first aid or rescue squad in and throughout the community served by such volunteer fire company or such first aid or rescue squad, as the case may be. All advertisements shall be limited to the description of such event as "Games of chance" [or], "Las Vegas Night" OR "POKER TOURNAMENT", the name of the authorized organization conducting such games, the license number of the authorized organization as assigned by the clerk or department and the date, location and time of the event.

S 8. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made and completed by the state racing and wagering board on or before such date.