

5583

2011-2012 Regular Sessions

I N S E N A T E

June 3, 2011

Introduced by Sen. BONACIC -- (at request of the Division of the Lottery) -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering

AN ACT to amend the tax law, in relation to licenses issued by the division of the lottery

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

1 Section 1. The section heading and subdivisions a and e of section
2 1605 of the tax law, the section heading and subdivision a as added by
3 chapter 92 of the laws of 1976 and subdivision e as amended by chapter 2
4 of the laws of 1995, are amended to read as follows:
5 Lottery sales agents AND OTHER LICENSEES. a. The division may license
6 as agents to sell lottery tickets such persons as in its opinion will
7 best serve public convenience, except that no license shall be issued to
8 any person to engage in business exclusively as a lottery sales agent.
9 THE DIVISION MAY LICENSE SUCH PERSONS AS IN ITS OPINION ARE SUITABLE TO
10 PARTICIPATE IN VIDEO LOTTERY GAMING PURSUANT TO SECTION SIXTEEN HUNDRED
11 SEVENTEEN-A OF THIS ARTICLE.
12 e. The division is hereby authorized to obtain criminal background
13 information on any applicant for, or holder of, a lottery [sales agent]
14 license for the purpose of determining whether a license should be
15 granted, suspended, or revoked. The sources of such information include
16 the license applicant or holder, the division of criminal justice
17 services, and any licensing agency which is currently considering a
18 licensing application or which has been granted a presently-held license
19 to the same license applicant or holder. The division shall require each
20 license applicant to submit identifying information which shall include
21 fingerprints unless they are already on file with the division or other
22 state agencies. The fingerprints so obtained shall be forthwith
23 forwarded, and the applicable fee transmitted, to the division of criminal
24 justice services or any other state or federal government agency

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

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1 having facilities for checking fingerprints for the purpose of determin-
2 ing whether or not criminal charges are pending against the applicant or
3 whether or not the applicant had previously been convicted of a crime,
4 and such agency shall promptly report a finding of such pending charges
5 and previous convictions, if any, to the division in writing or by elec-
6 tronic means or any other method agreed upon by the division and such
7 agency. In its discretion, the division may decline to act on any appli-
8 cation pending the disposition of any pending charges against the appli-
9 cant. The division may, after providing notice and an opportunity for a
10 hearing pursuant to the state administrative procedure act, deny a
11 license to any person found to have committed a felony under the laws of
12 the United States or under the laws of the state of New York or any
13 other state or foreign jurisdiction or any crime relating to gaming
14 activities or that is otherwise found to have engaged in conduct which
15 would be prejudicial to public confidence in the state lottery.
16 Notwithstanding the provisions of article six of the public officers law
17 or any other law to the contrary, the division may withhold from public
18 disclosure any criminal history information except that criminal
19 convictions may not be withheld under this provision.

20 FOR PURPOSES OF THIS ARTICLE, A LICENSEE MAY INCLUDE: A LOTTERY SALES
21 AGENT; A VIDEO LOTTERY GAMING AGENT; A VENDOR; A VENDOR'S SUBCONTRACTOR;
22 AN EMPLOYEE OF AN AGENT, VENDOR OR VENDOR'S SUBCONTRACTOR; OR AN OFFI-
23 CER, DIRECTOR, PARTNER, TRUSTEE OR OWNER OF AN AGENT, VENDOR OR VENDOR'S
24 SUBCONTRACTOR.

25 S 2. This act shall take effect immediately.