

8588

2015-2016 Regular Sessions

I N A S S E M B L Y

December 2, 2015

Introduced by M. of A. MURRAY, GARBARINO -- read once and referred to
the Committee on Codes

AN ACT to amend the penal law, in relation to excluding participation in
any fantasy or simulation sports game or educational game or contest
meeting certain conditions from the definition of "contest of chance"

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

1 Section 1. Subdivision 1 of section 225.00 of the penal law is amended
2 to read as follows:
3 1. "Contest of chance" means any contest, game, gaming scheme or
4 gaming device in which the outcome depends in a material degree upon an
5 element of chance, notwithstanding that skill of the contestants may
6 also be a factor therein. "CONTEST OF CHANCE" SHALL NOT INCLUDE PARTIC-
7 IPATION IN ANY FANTASY OR SIMULATION SPORTS GAME OR EDUCATIONAL GAME OR
8 CONTEST IN WHICH (IF THE GAME OR CONTEST INVOLVES A TEAM OR TEAMS) NO
9 FANTASY OR SIMULATION SPORTS TEAM IS BASED ON THE CURRENT MEMBERSHIP OF
10 AN ACTUAL TEAM THAT IS A MEMBER OF AN AMATEUR OR PROFESSIONAL SPORTS
11 ORGANIZATION (AS THOSE TERMS ARE DEFINED IN SECTION THIRTY-SEVEN HUNDRED
12 ONE OF TITLE TWENTY-EIGHT OF THE UNITED STATES CODE) AND THAT MEETS THE
13 FOLLOWING CONDITIONS:
14 (A) ALL PRIZES AND AWARDS OFFERED TO WINNING PARTICIPANTS ARE ESTAB-
15 LISHED AND MADE KNOWN TO THE PARTICIPANTS IN ADVANCE OF THE GAME OR
16 CONTEST AND THEIR VALUE IS NOT DETERMINED BY THE NUMBER OF PARTICIPANTS
17 OR THE AMOUNT OF ANY FEES PAID BY THOSE PARTICIPANTS.
18 (B) ALL WINNING OUTCOMES REFLECT THE RELATIVE KNOWLEDGE AND SKILL OF
19 THE PARTICIPANTS AND ARE DETERMINED PREDOMINANTLY BY ACCUMULATED STATIS-
20 TICAL RESULTS OF THE PERFORMANCE OF INDIVIDUALS (ATHLETES IN THE CASE OF
21 SPORTS EVENTS) IN MULTIPLE REAL-WORLD SPORTING OR OTHER EVENTS WHETHER
22 ON A DAILY BASIS OR FOR A PREDETERMINED AMOUNT OF TIME.
23 (C) NO WINNING OUTCOME IS BASED ON THE SCORE, POINT-SPREAD, OR ANY
24 PERFORMANCE OR PERFORMANCES OF ANY SINGLE REAL-WORLD TEAM OR ANY COMBI-
25 NATION OF SUCH TEAMS; OR SOLELY ON ANY SINGLE PERFORMANCE OF AN INDIVID-
26 UAL ATHLETE IN ANY SINGLE REAL-WORLD SPORTING OR OTHER EVENT.
27 S 2. This act shall take effect immediately.

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

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