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

6092

2015-2016 Regular Sessions

I N S E N A T E

November 16, 2015

Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 225.00 of the penal law is amended to read as follows:

1. "Contest of chance" means any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein. "CONTEST OF CHANCE" SHALL NOT INCLUDE PARTICIPATION IN ANY FANTASY OR SIMULATION SPORTS GAME OR EDUCATIONAL GAME OR CONTEST IN WHICH (IF THE GAME OR CONTEST INVOLVES A TEAM OR TEAMS) NO FANTASY OR SIMULATION SPORTS TEAM IS BASED ON THE CURRENT MEMBERSHIP OF AN ACTUAL TEAM THAT IS A MEMBER OF AN AMATEUR OR PROFESSIONAL SPORTS ORGANIZATION AS THOSE TERMS ARE DEFINED IN SECTION THIRTY-SEVEN HUNDRED ONE OF TITLE TWENTY-EIGHT OF THE UNITED STATES CODE AND THAT MEETS THE FOLLOWING CONDITIONS:

(A) ALL PRIZES AND AWARDS OFFERED TO WINNING PARTICIPANTS ARE ESTABLISHED AND MADE KNOWN TO THE PARTICIPANTS IN ADVANCE OF THE GAME OR CONTEST AND THEIR VALUE IS NOT DETERMINED BY THE NUMBER OF PARTICIPANTS OR THE AMOUNT OF ANY FEES PAID BY THOSE PARTICIPANTS.

(B) ALL WINNING OUTCOMES REFLECT THE RELATIVE KNOWLEDGE AND SKILL OF THE PARTICIPANTS AND ARE DETERMINED PREDOMINANTLY BY ACCUMULATED STATISTICAL RESULTS OF THE PERFORMANCE OF INDIVIDUALS (ATHLETES IN THE CASE OF SPORTS EVENTS) IN MULTIPLE REAL-WORLD SPORTING OR OTHER EVENTS.

(C) NO WINNING OUTCOME IS BASED ON THE SCORE, POINT-SPREAD, OR ANY PERFORMANCE OR PERFORMANCES OF ANY SINGLE REAL-WORLD TEAM OR ANY COMBI-

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

LBD13169-01-5

NATION OF SUCH TEAMS; OR SOLELY ON ANY SINGLE PERFORMANCE OF AN INDIVIDUAL ATHLETE IN ANY SINGLE REAL-WORLD SPORTING OR OTHER EVENT.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.