

8588

2015-2016 Regular Sessions

I N   A S S E M B L Y

December 2, 2015

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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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