
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 667 Session of
2014

INTRODUCED BY HUGHES, TEPLITZ, FONTANA AND COSTA,
JANUARY 24, 2014

REFERRED TO JUDICIARY, JANUARY 24, 2014

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for underage gambling; and
3 making related repeals.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 7108. Underage gambling.

9 (a) Offense defined.--An individual commits a summary
10 offense if the individual is less than 21 years of age and
11 wagers, plays or attempts to wager or play a slot machine or
12 table game at a licensed facility.

13 (b) Penalty.--An individual who commits an offense under
14 subsection (a) shall be sentenced as follows:

15 (1) For a first offense:

16 (i) a fine of at least \$500 and no more than \$1,500;

17 (ii) not less than 40 hours of community service;

18 and

1 (iii) compliance with any problem gambling
2 evaluation and treatment requirements imposed under
3 subsection (e).

4 (2) For a second offense:

5 (i) a fine of at least \$1,000 and no more than
6 \$2,000;

7 (ii) at least 100 hours of community service; and

8 (iii) compliance with any problem gambling
9 evaluation and treatment requirements imposed under
10 subsection (e).

11 (3) For a third or subsequent offense:

12 (i) a fine of at least \$2,000 and no more than
13 \$3,000;

14 (ii) no less than 200 hours of community service;
15 and

16 (iii) compliance with any problem gambling
17 evaluation and treatment requirements imposed under
18 subsection (e).

19 (c) Suspension of operating privilege.--The following shall
20 apply:

21 (1) In addition to the penalty imposed under subsection
22 (b), the court:

23 (i) May order the operating privilege of the
24 individual suspended for a period not to exceed 90 days
25 for a first offense.

26 (ii) May order the operating privilege of the
27 individual suspended for a period not to exceed 180 days
28 for a second offense.

29 (iii) Shall order the operating privilege of the
30 individual suspended for a minimum period of one year and

1 a maximum period of two years for a third or subsequent
2 offense.

3 (2) A copy of an order entered under this subsection
4 shall be transmitted to the Department of Transportation and
5 the board.

6 (3) The provisions of 75 Pa.C.S. § 1545 (relating to
7 restoration of operating privilege) shall not apply to a
8 suspension of operating privilege imposed under this section.

9 (4) A person whose record is received by the department
10 under this subsection and who does not have a driver's
11 license is not eligible to apply for a learner's permit under
12 75 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507
13 (relating to application for driver's license or learner's
14 permit by minor) for the time periods specified in this
15 subsection and imposed by the court. If the person is under
16 16 years of age when he is convicted or adjudicated
17 delinquent or admitted to a preadjudication program, his
18 suspension of operating privileges shall commence upon his
19 16th birthday for the time periods specified in this
20 subsection and imposed by the court.

21 (5) An insurer may not increase premiums, impose a
22 surcharge or rate penalty, make a driver record point
23 assignment for automobile insurance or cancel or refuse to
24 renew an automobile insurance policy on account of a
25 suspension imposed under this section.

26 (d) Duties of board.--The board shall place the name of an
27 individual convicted of an offense under this section on the
28 exclusion list established by the board under 4 Pa.C.S. § 1514
29 (relating to regulation requiring exclusion or ejection of
30 certain persons) for the following time periods:

1 (1) For a first offense, a minimum of one year
2 commencing on the date the individual reaches 21 years of
3 age.

4 (2) For a second offense, a minimum of two years
5 commencing on the date the individual reaches 21 years of
6 age.

7 (3) For a third or subsequent offense, a minimum of five
8 years commencing on the date the individual reaches 21 years
9 of age.

10 An individual placed on the exclusion list under this section
11 shall be ineligible to petition the board for removal from the
12 list until the expiration of exclusion period.

13 (e) Problem gambling evaluation.--If a defendant is
14 convicted, adjudicated or pleads guilty or no contest to a
15 violation of this section, the court may delay sentencing,
16 including admission to an adjudication alternative under
17 subsection (g), to require the defendant to be evaluated in a
18 manner deemed appropriate by the court to determine the extent
19 of the defendant's involvement with gambling and to assist the
20 court in determining whether there is a need for counseling or
21 treatment as part of the defendant's sentence or preadjudication
22 disposition. The evaluation shall be conducted by one of the
23 following and shall include recommendations for levels of care
24 and follow-up care and monitoring:

25 (1) The Department of Health or its designee.

26 (2) A county agency offering gambling addiction programs
27 or its designee.

28 (3) The clinical personnel of a facility licensed by the
29 Department of Health for the conduct of gambling addiction
30 treatment programs.

1 (f) Court-ordered intervention or treatment.--If the court
2 admits a defendant to an adjudication alternative under
3 subsection (g) or orders a defendant to attend gambling
4 addiction counseling or treatment under subsection (e), the
5 court shall submit a record to the Department of Transportation
6 advising the department of the order. If the court imposes an
7 adjudication alternative or orders gambling addiction counseling
8 or treatment, a report shall be forwarded to the Department of
9 Transportation as to whether the defendant successfully
10 completed the adjudication alternative program or the gambling
11 addiction counseling or treatment. If a defendant fails to
12 successfully complete the program, counseling or treatment as
13 ordered by the court, the defendant's motor vehicle operating
14 privilege suspension shall remain in effect until the Department
15 of Transportation is notified by the court that the defendant
16 successfully completed the program, counseling or treatment and
17 the defendant is otherwise eligible for restoration of his
18 operating privilege. In order to implement the recordkeeping
19 requirements of this section, the Department of Transportation
20 and the court shall work together to exchange pertinent
21 information about a defendant's case, including attendance and
22 completion of the program, counseling or treatment or failure to
23 complete a program, counseling or treatment.

24 (g) Preadjudication disposition.--The following apply:

25 (1) When a person is charged with violating subsection
26 (a), the magisterial district judge may admit the offender to
27 an adjudication alternative as authorized in 42 Pa.C.S. §
28 1520 (relating to adjudication alternative program) or
29 another preadjudication disposition if the offender has not
30 previously received a preadjudication disposition for

1 violating subsection (a).

2 (2) The use of an adjudication alternative shall be
3 considered a first or subsequent offense, whichever is
4 applicable, for the purpose of further adjudication under
5 this section.

6 (h) Definitions.--As used in this section, the following
7 words and phrases shall have the meanings given to them in this
8 subsection unless the context clearly indicates otherwise:

9 "Board." The Pennsylvania Gaming Control Board established
10 under 4 Pa.C.S. § 1201 (relating to Pennsylvania Gaming Control
11 Board established).

12 "Licensed facility." As defined in 4 Pa.C.S. § 1103
13 (relating to definitions).

14 "Slot machine." As defined in 4 Pa.C.S. § 1103 (relating to
15 definitions).

16 "Table game." As defined in 4 Pa.C.S. § 1103 (relating to
17 definitions).

18 Section 2. Repeals are as follows:

19 (1) 4 Pa.C.S. § 1518(a)(13.1) is repealed.

20 (2) 4 Pa.C.S. § 1518(b)(3) is repealed insofar as it is
21 inconsistent with this act.

22 Section 3. This act shall take effect in 60 days.