



**Colorado  
Legislative  
Council  
Staff**

**HB16-1402**

**FISCAL NOTE**

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**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

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**Drafting Number:** LLS 16-1132

**Date:** April 13, 2016

**Prime Sponsor(s):** Rep. Becker K.; Lawrence

**Bill Status:** House Finance

**Fiscal Analyst:** Anna Gerstle (303-866-4375)

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**BILL TOPIC:** PROHIBIT DEVICE WAGER PREVIOUS SPORTING EVENT

**Summary of Legislation**

The bill prohibits the state or any local government, or its agencies, boards, commissions, or officials from permitting the use of a racing replay and wagering device. Horse racing and related business licensees may not operate or allow any person to use racing replay and wagering devices to wager on any previously run sporting event. The prohibition does not apply to simulcast races.

**Background**

Racing replay takes place on machines that randomly select a horse or greyhound race from a central server that houses several hundred thousand races run over several decades. No animals, locations, or dates are identified and players can choose to view the entire race, multiple races, or the end of a race.

Under the Colorado Constitution, limited gaming is allowed in three cities: Black Hawk, Central City, and Cripple Creek. As of this writing, no other cities or counties in Colorado have policies in place allowing for the use of racing replay and wagering devices. Under current law, horse racing and related business licensees are not allowed to offer wagering using racing replay and wagering devices because race meets and simulcast racing must be live events.

**Assessment**

The penalty for violating the bill's prohibition on racing replay wagering devices and wagering on previously-run sporting events is a class 2 misdemeanor. There have been no convictions for a comparable crime (e.g. placing, receiving, or offering a pari-mutuel wager on a horse or greyhound race by electronic device) in the past three years, and there is currently only one racetrack in Colorado where the bill's prohibition could be violated. As a result, this fiscal note assumes that the racetrack will comply with the law and that there will be no increase in fine revenue or workload in the Judicial Department or county courts to handle additional cases. In addition, because cities and counties may not currently allow the use of racing replay and wagering devices, there is no impact to local governments to change or update a policy. For these reasons, the bill is assessed as having no fiscal impact.

## Effective Date

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

## State and Local Government Contacts

Counties	Judicial	Law
Municipalities	Revenue	