

CHAPTER 223

PROFESSIONS AND OCCUPATIONS

SENATE BILL 96-033

BY SENATORS Johnson, Hernandez, Rizzuto, Tanner, Weissmann, and Wattenberg;
also REPRESENTATIVES Grampas, Nichol, Salaz, Allen, and Dean.

AN ACT

CONCERNING LIMITED-STAKES GAMING, AND, IN CONNECTION THEREWITH, AMENDING THE DEFINITION OF "POKER", PROHIBITING THE ADMISSION OF PERSONS UNDER TWENTY-ONE YEARS OF AGE INTO AREAS WHERE GAMING IS CONDUCTED, FORBIDDING LICENSEES FROM EMPLOYING CERTAIN LAW ENFORCEMENT OFFICERS, AND ALLOWING THE COMMISSION TO DETERMINE BY RULE THAT AN OWNERSHIP INTEREST OF NO MORE THAN FIVE PERCENT HELD BY OR THROUGH AN INSTITUTIONAL INVESTOR FUND DOES NOT CONSTITUTE AN INTEREST UNDER THE CONFLICT OF INTEREST PROVISIONS OF THE "LIMITED GAMING ACT OF 1991", AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-47.1-103 (22), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-47.1-103. Definitions. As used in this article, unless the context otherwise requires:

(22) (a) "Poker" means a card game played by A PLAYER OR players who are dealt cards by a ~~nonplayer~~ dealer. The object of the game is:

(I) For each player to bet the superiority of such player's hand and win the other players' bets by either making a bet no other player is willing to match or proving to hold the most valuable cards after all the betting is over; OR

(II) FOR EACH PLAYER, WHETHER BY REASON OF THE SKILL OF THE PLAYER OR APPLICATION OF THE ELEMENT OF CHANCE, OR BOTH, TO HOLD A POKER HAND ENTITLED TO A MONETARY OR PREMIUM RETURN BASED UPON A PUBLICLY AVAILABLE PAY SCHEDULE.

(b) ~~"Poker" includes but is not limited to draw, stud, low ball, or any combination~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~thereof.~~ IN A VARIATION OF POKER IN WHICH THERE CAN BE MORE THAN ONE WINNING HAND AND THE DEALER'S PARTICIPATION IS NECESSARY OR DESIRABLE TO IMPROVE THE GAME FOR PLAYERS OTHER THAN THE DEALER, THE DEALER MAY PLAY, BUT UNDER NO CIRCUMSTANCES MAY THE DEALER PLACE A WAGER IN ANY GAME IN WHICH HE OR SHE IS DEALING. A GAME IN WHICH THE PLAYER HOLDING THE HIGHEST-SCORING HAND SPLITS HIS OR HER WINNINGS WITH THE PLAYER HOLDING THE LOWEST-SCORING HAND DOES NOT QUALIFY AS A "VARIATION OF POKER IN WHICH THERE CAN BE MORE THAN ONE WINNING HAND" FOR PURPOSES OF THIS PARAGRAPH (b).

SECTION 2. 12-47.1-818, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-47.1-818. Approval of rules for certain games. (1) Specific rules for blackjack and poker shall be approved by the commission and clearly posted within plain view of any applicable card table.

(2) NO LICENSEE SHALL OFFER POKER OR ANY VARIATION GAME THEREOF WITHOUT PRIOR APPROVAL OF THE GAME BY THE COMMISSION.

(3) NO LICENSEE SHALL EMPLOY SHILLS.

SECTION 3. 12-47.1-401, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-47.1-401. Conflict of interest. (1.5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE COMMISSION MAY, BY RULE, DETERMINE THAT AN OWNERSHIP INTEREST OF NO MORE THAN FIVE PERCENT HELD BY OR THROUGH AN INSTITUTIONAL INVESTOR FUND DOES NOT CONSTITUTE AN INTEREST UNDER PARAGRAPHS (a) AND (b) OF SUBSECTION (1) OF THIS SECTION.

SECTION 4. 12-47.1-804, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-47.1-804. Persons prohibited from interest in limited gaming. (1) None of the following persons shall have any interest, direct or indirect, in any license involved in or with limited gaming:

(a) Officers, RESERVE POLICE OFFICERS, agents, or employees of any law enforcement agency of the state of Colorado WITH THE AUTHORITY TO INVESTIGATE OR PROSECUTE CRIME IN TELLER OR GILPIN COUNTIES or OF ANY LOCAL LAW ENFORCEMENT AGENCY OR DETENTION OR CORRECTIONAL FACILITY within Teller or Gilpin counties;

(b) District, county, or municipal court judges whose jurisdiction includes all or any portion of Teller or Gilpin counties;

(c) Elected municipal officials or county commissioners of the counties of Teller and Gilpin and of the cities of Central, Black Hawk, and Cripple Creek;

(d) Central, Black Hawk, or Cripple Creek city manager or planning commission

member.

(2) No licensee may employ any person in any capacity ~~directly related to the licensee's gaming activities~~ while that person is in the employment of ~~a law enforcement agency~~ or the commission OR IS IN THE EMPLOYMENT OF, OR HAS A RESERVE POLICE OFFICER POSITION WITH, A LAW ENFORCEMENT AGENCY OF THE STATE OF COLORADO WITH THE AUTHORITY TO INVESTIGATE OR PROSECUTE CRIME IN TELLER OR GILPIN COUNTIES, ANY LOCAL LAW ENFORCEMENT AGENCY OR DETENTION OR CORRECTIONAL FACILITY WITHIN TELLER OR GILPIN COUNTIES, OR ANY OTHER COUNTY THAT MAY LATER BE AN AUTHORIZED GAMING LOCATION UNDER SECTION 12-47.1-105.

SECTION 5. 12-47.1-809, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-47.1-809. Age of participants - violation as misdemeanor - applicability.

(1) (a) It is unlawful for any person under twenty-one years of age to:

(I) LINGER IN THE GAMING AREA OF A CASINO;

(II) SIT ON A CHAIR OR BE PRESENT AT A GAMING TABLE, SLOT MACHINE, OR OTHER AREA IN WHICH GAMING IS CONDUCTED; OR

(III) Participate, play, be allowed to play, place wagers, or collect winnings, whether personally or through an agent, in or from any limited gaming game or slot machines.

(b) SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL NOT APPLY TO A PERSON EMPLOYED BY THE CASINO IN WHICH THE PERSON IS PRESENT.

(c) NOTHING IN PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL PREVENT ANY PERSON UNDER TWENTY-ONE YEARS OF AGE FROM PASSING THROUGH A CASINO TO NONGAMING AREAS.

(2) It is unlawful for any person to engage in limited gaming with, or to share proceeds from limited gaming with, any person under twenty-one years of age.

(3) (a) It is unlawful for any licensee to permit any person who is less than twenty-one years of age to:

(I) LINGER IN THE GAMING AREA OF A CASINO;

(II) SIT ON A CHAIR OR BE PRESENT AT A GAMING TABLE, SLOT MACHINE, OR OTHER AREA IN WHICH GAMING IS CONDUCTED; OR

(III) Participate, play, place wagers, or collect winnings, WHETHER PERSONALLY OR THROUGH AN AGENT, in or from any limited gaming game or slot machine.

(b) SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL NOT APPLY TO A PERSON EMPLOYED BY THE CASINO IN WHICH THE PERSON IS

PRESENT.

(c) NOTHING IN PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL PREVENT ANY PERSON UNDER TWENTY-ONE YEARS OF AGE FROM PASSING THROUGH A CASINO TO NONGAMING AREAS.

(4) Any person violating any of the provisions of this section commits a class 2 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

(5) Any person violating any of the provisions of this section with a person under eighteen years of age may also be proceeded against pursuant to section 18-6-701, C.R.S., for contributing to the delinquency of a minor.

SECTION 6. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the limited gaming fund not otherwise appropriated, to the department of revenue for allocation to the gaming division, for the fiscal year beginning July 1, 1996, the sum of six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary, for the implementation of this act.

SECTION 7. Effective date - applicability. This act shall take effect October 1, 1996, and shall apply to violations of section 12-47.1-809, Colorado Revised Statutes, occurring on or after said date.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 1996