

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 2931**

BY DELEGATE SUMMERS

[Introduced February 8, 2019; Referred to the  
Committee on the Judiciary.]



1 A BILL to amend and reenact §29-22C-6 of the Code of West Virginia, 1931, as amended; and to  
2 amend and reenact §61-10-1 of said code, exempting casino night fundraising events from  
3 licensure, and providing that casino night themed fundraisers are not subject to criminal  
4 penalty.

*Be it enacted by the Legislature of West Virginia:*

## **CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS**

### **ARTICLE 22C. WEST VIRGINIA LOTTERY RACETRACK TABLE GAMES ACT.**

#### **§29-22C-6. Licenses required.**

1 (a) No person may engage in any activity in connection with a racetrack with West Virginia  
2 Lottery table games in this state for which a license is required by this article or rules of the  
3 commission unless all necessary licenses have been obtained in accordance with this article and  
4 rules of the commission.

5 (b) Licenses are required for the following purposes:

6 (1) For any person operating a racetrack West Virginia Lottery table game in the state;

7 (2) For any person supplying a racetrack table games licensee with gaming equipment or  
8 gaming equipment services;

9 (3) For any individual employed by a racetrack table games licensee in connection with  
10 the operation of West Virginia Lottery table games in the state; and

11 (4) For any person providing management services under a contract to a racetrack table  
12 games licensee.

13 (c) No license shall be required in connection with casino night themed fundraising events.

14 ~~(e)~~(d) The commission may not grant a license to an applicant until the commission  
15 determines that each person who has control of the applicant also meets all of the qualifications  
16 the applicant must meet to hold the license for which application is made. The following persons  
17 are considered to have control of an applicant:

18 (1) Each person associated with a corporate applicant, including any corporate holding  
19 company, parent company or subsidiary company of the applicant, but not including a bank or  
20 other licensed lending institution which holds a mortgage or other lien acquired in the ordinary  
21 course of business, who has the ability to control the activities of the corporate applicant or elect  
22 a majority of the board of directors of that corporation;

23 (2) Each person associated with a noncorporate applicant who directly or indirectly holds  
24 any beneficial or proprietary interest in the applicant or who the commission determines to have  
25 the ability to control the applicant; and

26 (3) Key personnel of an applicant, including any executive, employee or agent, having the  
27 power to exercise significant influence over decisions concerning any part of the applicant's  
28 business operation.

29 ~~(d)~~(e) Any license required by this article or rules of the commission is in addition to all  
30 other licenses or permits required by applicable federal, state or local law.

## **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

### **ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.**

#### **§61-10-1. Keeping or exhibiting gaming table, machine, or device; penalty; seizure of table, machine or device; forfeiture of money used in such gaming.**

1 Any person who ~~shall keep or exhibit~~ keeps or exhibits a gaming table, commonly called  
2 A.B.C. or E.O. table, or faro bank, or keno table, or any slot machine, multiple coin console  
3 machine, multiple coin console slot machine or device in the nature of a slot machine, or any other  
4 gaming table or device of like kind, under any denomination, or which has no name, whether the  
5 game, table, bank, machine or device be played with cards, dice or otherwise, or ~~shall be~~ is a  
6 partner, or concerned in interest, in keeping or exhibiting such table, bank, machine or gaming  
7 device of any character, ~~shall be~~ is guilty of a misdemeanor and, upon conviction, shall be  
8 confined in jail not less than two nor more than 12 months and be fined not less than \$100 nor  
9 more than \$1,000. Any such table, faro bank, machine or gaming device, and all money staked

10 or exhibited to allure persons to bet at such table, or upon such gaming device, may be seized by  
11 order of a court, or under the warrant of a ~~justice~~ magistrate, and the money so seized shall be  
12 forfeited to the county and paid into the treasury of the county in which such seizure is made, and  
13 the table, faro bank, machine or gaming device shall be completely destroyed: *Provided, ~~however,~~*  
14 That the provisions of this section shall not extend to coin-operated nonpayout machines with free  
15 play feature or to automatic weighing, measuring, musical and vending machines which are so  
16 constructed as to give a certain uniform and fair return in value or services for each coin deposited  
17 therein and in which there is no element of chance: *Provided, however, That gaming tables*  
18 *operated pursuant to §29-22C-6 are exempted from this section.*

NOTE: The purpose of this bill is to clarify that the State Lottery Commission does not have authority over nonlottery games, and that criminal penalties associated with unauthorized gaming tables or devices apply only to gaming tables or devices which involve consideration, prize and chance.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.