
SENATE BILL No. 243

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-35; IC 35-45-5-11.

Synopsis: Electronic gaming in taverns. Authorizes electronic gaming devices in establishments licensed to sell alcoholic beverages to customers for consumption on the premises. Imposes an annual establishment license fee of \$1,000 per electronic gaming device. Creates a license for suppliers of electronic gaming devices. Requires suppliers to pay a \$2,500 annual fee. Requires the fees to be deposited in the electronic gaming fund. Provides that after administrative expenses are paid, the money in the fund must be distributed as follows: 20% to the counties; 20% to the cities and towns; and 60% to the property tax replacement fund.

Effective: July 1, 2004.

Waterman

January 8, 2004, read first time and referred to Committee on Rules and Legislative Procedure.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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SENATE BILL No. 243



A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

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

1 SECTION 1. IC 4-35 IS ADDED TO THE INDIANA CODE AS A
2 **NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,**
3 **2004]:**
4 **ARTICLE 35. ELECTRONIC GAMING IN**
5 **ESTABLISHMENTS LICENSED TO SELL ALCOHOLIC**
6 **BEVERAGES**
7 **Chapter 1. General Provisions**
8 **Sec. 1. Under 15 U.S.C. 1172, approved January 2, 1951, the**
9 **state of Indiana, acting by and through the elected and qualified**
10 **members of the legislature, declares that the state is exempt from**
11 **15 U.S.C. 1172.**
12 **Sec. 2. All shipments of gambling devices authorized under this**
13 **article to licensed suppliers and establishments in Indiana, the**
14 **registering, recording, and labeling of which have been completed**
15 **by the manufacturer or dealer in accordance with 15 U.S.C. 1171**
16 **through 15 U.S.C. 1178, are legal shipments of gambling devices**
17 **into the state of Indiana.**



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Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Cheat" means to alter the selection of criteria that determine:

- (1) the result of a gambling game; or**
- (2) the amount or frequency of payment in a gambling game.**

Sec. 3. "Commission" refers to the state lottery commission established by IC 4-30-3-1.

Sec. 4. "Department" refers to the department of state revenue.

Sec. 5. "Electronic gaming device" means an electromechanical device, an electrical device, or a machine that:

- (1) upon payment of consideration is available to play or operate;**
- (2) makes payoffs in any manner, including delivery of premiums, merchandise, tokens, redeemable game credits, or anything of value to the person playing the game; and**
- (3) is approved by the commission under this article.**

Sec. 6. "Establishment" means a premises that is licensed to sell alcoholic beverages under IC 7.1-3 to customers for consumption on the licensed premises.

Sec. 7. "Gambling operation" means the conduct of authorized gambling games in a licensed establishment.

Sec. 8. "Licensee" means a person that holds:

- (1) a supplier's license; or**
- (2) an establishment license;**

issued this article.

Sec. 9. "Person" means an individual, a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity.

Sec. 10. "Supplier" means an individual or a business entity that is licensed under this article to:

- (1) distribute, sell, or lease electronic gaming devices or associated equipment in Indiana; or**
- (2) own electronic gaming devices and physically place the devices for public gaming operations at an establishment in Indiana.**

Chapter 3. Powers and Duties of the Commission

Sec. 1. The commission has the following powers and duties to administer, regulate, and enforce gambling operations:

- (1) All powers and duties specified by this article.**
- (2) All powers necessary and proper to execute and enforce**

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this article fully and effectively, including the power to do the following:

- (A) Supervise and exercise jurisdiction over gambling operations within establishments licensed under this article.**
- (B) Investigate and determine the eligibility of applicants for licenses and reinvestigate licensees.**
- (C) Take appropriate administrative enforcement or disciplinary action against a licensee.**
- (D) Investigate alleged violations of this article.**
- (E) Establish fees for licenses issued under this article.**
- (F) Conduct hearings.**
- (G) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of relevant documents.**
- (H) Administer oaths and affirmations to the witnesses and take depositions.**
- (I) Revoke, suspend, or renew licenses issued under this article.**
- (J) Hire employees to gather information, conduct investigations, and carry out other tasks under this article.**

Sec. 2. The commission shall adopt rules under IC 4-22-2 concerning the following:

- (1) Administering this article.**
- (2) Establishing the conditions under which gambling operations may be conducted under this article.**
- (3) Preventing practices detrimental to the public interest and promoting the best interests of gambling operations authorized under this article.**
- (4) Imposing penalties for noncriminal violations of this article.**
- (5) Protecting or enhancing the following:**
 - (A) The credibility and integrity of gambling operations authorized by this article.**
 - (B) The regulatory process provided in this article.**
- (6) Authorizing electronic gaming devices that are approved for gambling operations under this article.**
- (7) Establishing other qualifications and procedures for granting establishment licenses under this article.**

Sec. 3. (a) The commission shall do the following:

- (1) Provide for the establishment and collection of license fees imposed under this article.**

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- 1 (2) Deposit the license fees in the electronic gaming fund
- 2 established by IC 4-35-9-2.
- 3 (3) Levy and collect penalties for noncriminal violations of
- 4 this article.
- 5 (4) Deposit the penalties in the electronic gaming fund
- 6 established by IC 4-35-9-2.
- 7 (5) Adopt emergency rules using the same procedure under
- 8 which rules are adopted under IC 4-22-2-37.1 if the
- 9 commission determines that:
 - 10 (A) the need for a rule is so immediate and substantial that
 - 11 rulemaking procedures under IC 4-22-2-13 through
 - 12 IC 4-22-2-36 are inadequate to address the need; and
 - 13 (B) an emergency rule is likely to address the need.
- 14 (b) The commission shall begin rulemaking procedures under
- 15 IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule
- 16 adopted under subsection (a)(5) not later than thirty (30) days after
- 17 the adoption of the emergency rule under subsection (a)(5).
- 18 Sec. 4. The commission may employ or contract for additional
- 19 investigators to oversee the gambling operations under this article.
- 20 Sec. 5. The commission shall require that a licensee's records
- 21 concerning gambling operations be maintained in the manner and
- 22 for the time prescribed by the commission.
- 23 Sec. 6. The commission may enter:
 - 24 (1) an establishment licensed under this article; or
 - 25 (2) an office, a facility, or other premises of a licensee;
- 26 where evidence of the compliance or noncompliance with this
- 27 article is likely to be found.
- 28 Sec. 7. (a) Except as provided in subsection (c), the commission
- 29 may do any of the following to a licensee that violates this article:
 - 30 (1) Suspend, revoke, or restrict the license of the licensee.
 - 31 (2) Impose a civil penalty set by the commission against a
 - 32 licensee for each violation of this article.
- 33 (b) If a licensee holding an establishment license issued under
- 34 this article no longer holds a permit issued by the alcohol and
- 35 tobacco commission, the commission shall revoke the establishment
- 36 license.
- 37 (c) A license issued under this article is automatically revoked
- 38 if the commission determines that a licensee has offered, installed,
- 39 serviced, maintained, possessed, or otherwise made available to the
- 40 public an electronic gaming device that is not licensed by the
- 41 commission.
- 42 (d) A person whose license is revoked under subsection (c) may

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1 not be licensed under this article for three (3) years after the
2 revocation.

3 Sec. 8. The commission shall adopt standards for the licensing
4 of the following:

- 5 (1) Persons regulated under this article.
- 6 (2) Electronic gambling devices.

7 Sec. 9. The commission shall require a licensee conducting
8 gambling operations authorized under this article to use a cashless
9 wagering system in which a player's money is converted to tokens
10 or electronic cards that may be used only for wagering on the
11 premises of the licensee's establishment.

12 Sec. 10. The state police department shall assist the commission
13 in conducting background investigations of applicants. The
14 commission shall reimburse the state police department for the
15 costs incurred as a result of the assistance. The commission shall
16 make the payment from fees collected from applicants.

17 Chapter 4. Licensing of Establishments

18 Sec. 1. The commission may issue establishment licenses to
19 applicants that satisfy the requirements of this article.

20 Sec. 2. To qualify for an establishment license, a person must
21 operate an establishment licensed under IC 7.1-3 to sell alcoholic
22 beverages to customers for consumption on the licensed premises.
23 However, a person holding a horse track permit under
24 IC 7.1-3-17.7 may not apply for an establishment license issued
25 under this article.

26 Sec. 3. (a) A person applying for an establishment license under
27 this chapter must pay a nonrefundable application fee to the
28 commission. The commission shall determine the amount of the
29 application fee.

30 (b) An applicant must submit the following on forms provided
31 by the commission:

- 32 (1) If the applicant is an individual, two (2) sets of the
33 individual's fingerprints.
- 34 (2) If the applicant is not an individual, two (2) sets of
35 fingerprints for each officer and director of the applicant.

36 (c) The application must include at least the following:

- 37 (1) The name and address of the applicant and of any person
38 holding at least a one percent (1%) interest in the applicant.
- 39 (2) The applicant's consent to credit investigations and
40 criminal record searches.
- 41 (3) Waivers and releases signed by the applicant that the
42 commission believes are necessary to ensure a full and

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complete review of the application.

(d) An applicant shall furnish all information requested by the commission, including financial data and documents, certifications, consents, waivers, and individual histories.

(e) The commission shall review the applications for an establishment license under this chapter and shall inform each applicant of the commission's decision concerning the issuance of the establishment license.

(f) The costs of investigating an applicant for an establishment license under this chapter shall be paid from the application fee paid by the applicant.

(g) An applicant for an establishment license under this chapter must pay all additional costs:

- (1) associated with the investigation of the applicant; and
- (2) greater than the amount of the application fee paid by the applicant.

Sec. 4. The commission shall conduct or cause to be conducted a background investigation of each applicant for licensure.

Sec. 5. Criminal history record information obtained during the investigation of an individual must be maintained by the commission for the term of the license and for any subsequent license term.

Sec. 6. The commission may require that an application or other document submitted by an applicant or a licensee must be sworn to or affirmed before a notary public.

Sec. 7. The commission may not issue a license to an applicant who:

- (1) knowingly makes a false statement of material fact to the commission;
- (2) is found by the commission to lack the necessary financial stability or responsibility for licensure;
- (3) if an individual, is less than twenty-one (21) years of age on the date the application is received by the commission;
- (4) is on the most recent tax warrant list provided to the commission by the department;
- (5) if an individual, has been convicted of or entered a plea of guilty or nolo contendere to a felony in the ten (10) years preceding the date of license application, unless the commission determines that:
 - (A) the individual has been pardoned or the individual's civil rights have been restored;
 - (B) after the conviction or entry of the plea, the individual

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1 has engaged in the kind of law abiding commerce and good
 2 citizenship that would reflect well upon the integrity of the
 3 commission; or
 4 (C) the individual has terminated a relationship with a
 5 person whose actions directly contributed to the conviction
 6 or entry of the plea;
 7 (6) if an individual, has been convicted of or entered a plea of
 8 guilty or nolo contendere to a violation of a gambling statute
 9 in any jurisdiction; or
 10 (7) fails to provide all materials requested by the commission.
 11 However, the commission may determine that a waiver is
 12 warranted under the circumstances for an individual described in
 13 subdivision (6).

14 **Sec. 8. Credit and security investigation information submitted**
 15 **in connection with an application for a license under this article is**
 16 **confidential and may not be disclosed except for official purposes**
 17 **under this article or under a judicial order.**

18 **Sec. 9. A license issued under this article may not be transferred**
 19 **without prior written approval of the commission.**

20 **Sec. 10. (a) An establishment license issued under this chapter**
 21 **expires one (1) year after the date of issuance.**

22 **(b) An establishment license may be renewed for a fee and in the**
 23 **manner determined by the commission.**

24 **Chapter 5. Supplier's License**

25 **Sec. 1. A person must possess a supplier's license to:**
 26 **(1) own more than twenty (20) electronic gaming devices; or**
 27 **(2) distribute, sell, or lease electronic gaming devices or**
 28 **associated equipment to a person holding an establishment**
 29 **license issued under this article.**

30 **Sec. 2. To qualify for a supplier's license, an applicant must:**
 31 **(1) prove, using tax records and bills of sale, that the applicant**
 32 **has been doing business in Indiana for at least two (2) years**
 33 **before the date of the application; and**
 34 **(2) maintain a place of business located in Indiana, including**
 35 **at least a warehouse and service facility.**

36 **Sec. 3. (a) For each supplier's license that is issued by the**
 37 **commission, the commission shall create and maintain a list of the**
 38 **following:**
 39 **(1) The name of the individual who signed the application for**
 40 **the license.**
 41 **(2) The name, address, and telephone number of the person**
 42 **holding the supplier's license.**

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1 **(3) The number of electronic gaming devices owned by the**
2 **supplier.**
3 **(4) The serial number of each electronic gaming device owned**
4 **by the supplier.**
5 **(b) The lists described in subsection (a) must be made available**
6 **for public inspection in the offices of the commission.**
7 **Sec. 4. A supplier may not own, manage, or control an**
8 **establishment licensed under IC 4-35-4.**
9 **Sec. 5. A supplier may not distribute an electronic gaming**
10 **device in Indiana unless the device is approved by the commission**
11 **under this article.**
12 **Sec. 6. A supplier may not distribute an electronic gaming**
13 **device to an establishment unless the establishment is licensed**
14 **under IC 4-35-4.**
15 **Sec. 7. (a) A supplier's license issued under this chapter expires**
16 **one (1) year after the date of issuance.**
17 **(b) A supplier's license issued under this chapter may be**
18 **renewed for a fee and in a manner determined by the commission.**
19 **Chapter 6. Gambling Operations in an Establishment**
20 **Sec. 1. IC 7.1 and the rules adopted by the alcohol and tobacco**
21 **commission apply to a person holding an establishment license.**
22 **Sec. 2. Subject to the provisions of this chapter, gambling may**
23 **be conducted by a person holding an establishment license issued**
24 **under this article on the premises of the establishment.**
25 **Sec. 3. (a) For each establishment license that is issued by the**
26 **commission, the commission shall create and maintain a list of the**
27 **following:**
28 **(1) The name of the individual who signed the application for**
29 **the license.**
30 **(2) The name, address, and telephone number of the person**
31 **holding the license.**
32 **(3) The number of electronic gaming devices located at the**
33 **establishment.**
34 **(4) The serial number of each electronic gaming device**
35 **located at the establishment.**
36 **(5) The sticker numbers required under section 4(c) of this**
37 **chapter.**
38 **(b) The list described in subsection (a) must be available for**
39 **public inspection in the offices of the commission.**
40 **Sec. 4. (a) An establishment license issued under this article**
41 **authorizes an establishment to have not more than five (5)**
42 **electronic gaming devices placed in the establishment.**

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1 (b) An establishment must pay the annual fee required under
 2 IC 4-35-7-1 for each electronic gaming device located on the
 3 premises of the establishment.
 4 (c) The commission annually shall issue a sticker with a number
 5 for each licensed electronic gaming device. The establishment must
 6 place the sticker on each licensed electronic gaming device in a
 7 manner determined by the commission.
 8 Sec. 5. (a) An establishment license issued under this article
 9 must be displayed conspicuously in the establishment.
 10 (b) Gambling operations may not take place unless the
 11 establishment license is displayed conspicuously in the licensed
 12 establishment as required by subsection (a).
 13 Sec. 6. Minimum and maximum wagers on gambling games
 14 shall be determined by the commission.
 15 Sec. 7. A person who has been issued an establishment license
 16 may not permit any form of wagering on gambling games except
 17 as permitted under this article.
 18 Sec. 8. Wagers may be received only from a person present on
 19 the premises of the licensed establishment. A person present on the
 20 premises of the licensed establishment may not place or attempt to
 21 place a wager on behalf of another person who is not present on the
 22 premises of the licensed establishment.
 23 Sec. 9. Wagering may not be conducted with money or other
 24 negotiable currency.
 25 Sec. 10. Gambling operations authorized under this article must
 26 be concealed from the view of a person who is less than twenty-one
 27 (21) years of age.
 28 Sec. 11. (a) A person who is less than twenty-one (21) years of
 29 age may not make a wager under this article.
 30 (b) A person who is less than twenty-one (21) years of age may
 31 not be present in the area of an establishment licensed under this
 32 article where gambling is being conducted.
 33 Sec. 12. (a) All tokens or electronic cards that are used to make
 34 wagers must be purchased from the person holding an
 35 establishment license on the premises of the licensed establishment.
 36 (b) The tokens, chips, or electronic cards may be purchased by
 37 means of an agreement under which the licensee extends credit to
 38 the patron.
 39 Sec. 13. Tokens or electronic cards may be used while on the
 40 premises of the licensed establishment only to make wagers on
 41 gambling games authorized under this article.
 42 Chapter 7. Fees

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1 **Sec. 1. The commission shall adopt rules under IC 4-22-2 to**
2 **establish fees for licenses issued under this article. The fees may**
3 **not exceed the following:**

4 **(1) Two thousand five hundred dollars (\$2,500) annually for**
5 **each supplier's license.**

6 **(2) One thousand dollars (\$1,000) annually for an**
7 **establishment license if the establishment has one (1)**
8 **electronic gaming device. The licensee shall pay an additional**
9 **one thousand dollars (\$1,000) annually for each additional**
10 **electronic gaming device that the licensee will operate in the**
11 **establishment.**

12 **Sec. 2. Fees collected under this chapter must be deposited in the**
13 **electronic gaming fund established by IC 4-35-9-2.**

14 **Sec. 3. A local governmental authority may not charge an**
15 **additional fee or charge for the licensing of suppliers or**
16 **establishments under this article.**

17 **Chapter 8. Operation of Electronic Gaming Devices**

18 **Sec. 1. Electronic gaming devices and equipment associated with**
19 **electronic gaming devices must be maintained and serviced in the**
20 **manner and condition required by the commission.**

21 **Sec. 2. (a) An establishment licensee is responsible for keeping**
22 **a written service log in each of the electronic gaming devices. The**
23 **log must be located in the main cabinet access area of the device's**
24 **terminal.**

25 **(b) An individual, including an employee or agent of the**
26 **commission, who gains entry into any internal space of an**
27 **electronic gaming device shall sign the log and indicate the time,**
28 **date, and purpose of entry, the electronic and mechanical meter**
29 **readings, and the parts of the terminal inspected or repaired.**

30 **(c) Service log forms must be obtained from the commission and**
31 **be retained by an establishment during the time that the electronic**
32 **gaming device is being used for gambling operations and for at**
33 **least one (1) year after the electronic gaming device is removed**
34 **from service.**

35 **(d) Service logs created under this section must be available for**
36 **immediate inspection by an employee or agent of the commission**
37 **upon request.**

38 **Sec. 3. The commission may inspect an electronic gaming device**
39 **terminal before the device or terminal is placed in operation to**
40 **ensure that the electronic gaming device is in compliance with this**
41 **article and the rules of the commission.**

42 **Sec. 4. An electronic gaming device must display prominently a**

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table listing the available prizes and the odds of winning.

Sec. 5. (a) A licensee shall maintain records of the electronic gaming devices the licensee owns or leases. The records shall be made available to the commission upon request and must be sufficient to ensure that the electronic gaming device is operated in compliance with this article and the rules of the commission.

(b) The records required under this section must be held by the licensee during the time that each electronic gaming device is located in Indiana and for at least one (1) year after the device is no longer being used for gambling operations.

Chapter 9. Electronic Gaming Fund and Disbursement of Fund Money

Sec. 1. As used in this chapter, "fund" refers to the electronic gaming fund established by section 2 of this chapter.

Sec. 2. The electronic gaming fund is established. Money in the fund does not revert to the state general fund at the end of a state fiscal year.

Sec. 3. There is annually appropriated to the commission from the fund an amount sufficient to administer this article.

Sec. 4. The fund consists of:

- (1) licensing fees deposited into the fund under IC 4-35-7-2; and
- (2) penalties deposited into the fund under IC 4-35-3-3.

Sec. 5. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from those investments shall be deposited in the fund.

Sec. 6. After funds are appropriated under section 3 of this chapter, each month the treasurer of state shall distribute the money in the fund as follows:

- (1) Twenty percent (20%) to the counties based on the population of the counties according to the most recent federal special or decennial census, special tabulation, or corrected population count effective under IC 1-1-3.5.
- (2) Twenty percent (20%) to cities and towns based on the population of the cities and towns according to the most recent federal special or decennial census, special tabulation, or corrected population count under IC 1-1-3.5.
- (3) Sixty percent (60%) to the property tax replacement fund and used to increase the property tax replacement credit percentage under IC 6-1.1-21.

Chapter 10. Crimes and Penalties

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Sec. 1. A person who knowingly or intentionally:
(1) makes a false statement on an application submitted under this article;
(2) operates a gambling operation in which wagering is conducted or is to be conducted in a manner other than the manner required under this article;
(3) permits a person less than twenty-one (21) years of age to make a wager;
(4) aids, induces, or causes a person less than twenty-one (21) years of age to enter or attempt to enter an area in which gambling operations are being conducted; or
(5) wagers or accepts a wager at a location other than the person's licensed establishment;
commits a Class A misdemeanor.

Sec. 2. A person who knowingly or intentionally does any of the following commits a Class D felony:
(1) Offers, promises, or gives anything of value or benefit:
(A) to a person who is connected with the owner of an establishment licensed under this article, including an officer or an employee of an owner of an establishment licensed under this article; and
(B) under an agreement to influence or with the intent to influence:
(i) the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game; or
(ii) an official action of a commission member.
(2) Solicits, accepts, or receives a promise of anything of value or benefit:
(A) while the person is connected with an establishment licensed under this article, including an officer or employee of a licensee; and
(B) under an agreement to influence or with the intent to influence:
(i) the actions of the person to affect or attempt to affect the outcome of a gambling game; or
(ii) an official action of a commission member.
(3) Cheats at a gambling game.
(4) Manufactures, sells, or distributes any cards, chips, dice, game, or device that is intended to be used to violate this article.
(5) Alters or misrepresents the outcome of a gambling game

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on which wagers have been made after the outcome is made sure but before the outcome is revealed to the players.

(6) Places a bet on the outcome of a gambling game after acquiring knowledge that:

- (A) is not available to all players; and
- (B) concerns the outcome of the gambling game that is the subject of the bet.

(7) Aids a person in acquiring the knowledge described in subdivision (6) to place a bet contingent on the outcome of a gambling game.

(8) Claims, collects, takes, or attempts to claim, collect, or take money or anything of value in or from a gambling game:

- (A) with the intent to defraud; or
- (B) without having made a wager contingent on winning a gambling game.

(9) Claims, collects, or takes an amount of money or thing of value of greater value than the amount won in a gambling game.

(10) Uses in or possesses counterfeit tokens for use in a gambling game.

- (11) Possesses a key or device designed for:
- (A) opening, entering, or affecting the operation of a gambling game, a drop box, or an electronic or a mechanical device connected with the gambling game; or
 - (B) removing coins, tokens, or other contents of a gambling game.

This subdivision does not apply to a licensee or an employee of a licensee acting in the course of the employee's employment.

(12) Possesses materials used to manufacture a slug or device intended to be used in a manner that violates this article.

Sec. 3. The possession of more than one (1) of the devices described in section 2(4), 2(11), or 2(12) of this chapter creates a rebuttable presumption that the possessor intended to use the devices for cheating.

SECTION 2. IC 35-45-5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 11. This chapter does not apply to gambling on electronic gaming devices licensed for use in an establishment licensed under IC 4-35.**

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