March 15, 2013

ENGROSSED
HOUSE BILL No. 1176

DIGEST OF HB 1176 (Updated March 13, 2013 3:37 pm - DI 110)

Citations Affected: IC 4-31; IC 4-33; IC 4-35; IC 35-31.5; IC 35-51.

Synopsis: Prohibited horse racing and gaming wagers. Prohibits members of the Indiana horse racing commission (IHRC), employees of the IHRC, and racing officials from wagering on horse racing at the racetracks and satellite facilities located in Indiana. Provides that the prohibition also applies to the spouse of any individual prohibited from wagering. Provides that a person who wagers on horse racing in violation of the statute commits a Class A misdemeanor. Prohibits members of the Indiana gaming commission (IGC) and employees of the IGC, from wagering on gambling games at the riverboats and racinos located in Indiana. Provides that the prohibition also applies to the spouse of any individual prohibited from wagering. Provides that a person who wagers on gambling games in violation of either statute commits a Class A misdemeanor. Adds gaming agents to the definition of "law enforcement officer" for purposes of the criminal code.

Effective: Upon passage; July 1, 2013.

Koch, Davis, Austin, GiaQuinta

(SENATE SPONSOR — STEELE)

January 10, 2013, read first time and referred to Committee on Public Policy.
January 31, 2013, amended, reported — Do Pass.
February 4, 2013, read second time, ordered engrossed. Engrossed.
February 5, 2013, read third time, passed. Yeas 99, nays 0.

SENATE ACTION

February 25, 2013, read first time and referred to Committee on Public Policy.
March 14, 2013, amended, reported favorably — Do Pass.

C o p y

March 15, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

C o p y

ENGROSSED
HOUSE BILL No. 1176

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

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

SECTION 1. IC 4-31-2-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 9.5. "Licensed facility" refers to the following:**

(1) A racetrack at which live horse racing is conducted in accordance with a permit issued by the commission under IC 4-31-5.

(2) A satellite facility licensed under IC 4-31-5.5.

SECTION 2. IC 4-31-2-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 19.5. "Racing official" refers to either of the following:**

(1) An individual employed by a permit holder during a racing meeting whose employment must be reported to the commission under IC 4-31-5-5 or the rules of the commission.

(2) An individual who:

(A) is employed as an assistant to an individual described in subdivision (1); and

(B) performs duties integral to the conduct of pari-mutuel horse racing.

SECTION 3. IC 4-31-7-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 9. (a) The following individuals may not wager on horse racing at a licensed facility:**

(1) A member of the commission.

(2) An employee of the commission.

(3) A racing official.

(4) The spouse of any individual listed in subdivisions (1) through (3).

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.

SECTION 4. IC 4-33-10-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 6. (a) The following individuals may not wager on gambling games at a riverboat:**

(1) A member of the commission.

(2) An employee of the commission.

(3) The spouse of any individual listed in subdivisions (1) and (2).

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.

SECTION 5. IC 4-35-9-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 6. (a) The following individuals may not wager on gambling games at a facility licensed under this article:**

(1) A member of the commission.

(2) An employee of the commission.

(3) The spouse of any individual listed in subdivisions (1) and (2).

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.

SECTION 6. IC 35-31.5-2-185, AS AMENDED BY SEA 85-2013, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 185. (a) "Law enforcement officer" means:

(1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;

(2) a deputy of any of those persons;

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(3) an investigator for a prosecuting attorney or for the inspector general;
(4) a conservation officer;
(5) an enforcement officer of the alcohol and tobacco commission;
(6) an enforcement officer of the securities division of the office of the secretary of state; or
(7) **a gaming agent employed under IC 4-33-4.5 or** a gaming control officer employed by the gaming control division under IC 4-33-20.

(b) "Law enforcement officer", for purposes of IC 35-42-2-1, includes an alcoholic beverage enforcement officer, as set forth in IC 35-42-2-1(b)(1).

(c) "Law enforcement officer", for purposes of IC 35-45-15, includes a federal enforcement officer, as set forth in IC 35-45-15-3.

SECTION 7. IC 35-51-4-1, AS AMENDED BY P.L.126-2012, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 4:

IC 4-1-10-8 (Concerning state agencies).
IC 4-1-10-9 (Concerning state agencies).
IC 4-2-7-8 (Concerning the inspector general).
IC 4-4-27-8 (Concerning the inspection of grain).
IC 4-13.6-4-14 (Concerning state public works).
IC 4-21.5-3-36 (Concerning administrative proceedings).
IC 4-21.5-3-37 (Concerning administrative proceedings).
IC 4-30-3-19 (Concerning the lottery).
IC 4-30-3-19.5 (Concerning the lottery).
IC 4-30-3-19.7 (Concerning the lottery).
IC 4-30-12-5 (Concerning the lottery).
IC 4-30-13-1 (Concerning the lottery).
IC 4-30-14-1 (Concerning the lottery).
IC 4-30-14-2 (Concerning the lottery).
IC 4-30-14-3 (Concerning the lottery).
IC 4-30-14-4 (Concerning the lottery).
IC 4-30-14-5 (Concerning ~~horse racing).~~ **the lottery).**
IC 4-30-14-6 (Concerning the lottery).
IC 4-31-7-9 (Concerning horse racing).
IC 4-31-13-3 (Concerning horse racing).
IC 4-31-13-3.5 (Concerning horse racing).
IC 4-31-13-9 (Concerning horse racing).
IC 4-32.2-8-4 (Concerning charity gaming).
IC 4-33-10-1 (Concerning riverboat gambling).

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IC 4-33-10-2 (Concerning riverboat gambling).
IC 4-33-10-2.1 (Concerning riverboat gambling).
IC 4-33-10-2.5 (Concerning riverboat gambling).
IC 4-33-10-6 (Concerning riverboat gambling).
IC 4-33-22-14 (Concerning boxing and mixed martial arts).
IC 4-33-22-40 (Concerning boxing and mixed martial arts).
IC 4-35-9-2 (Concerning gambling games at racetracks).
IC 4-35-9-3 (Concerning gambling games at racetracks).
IC 4-35-9-4 (Concerning gambling games at racetracks).
IC 4-35-9-5 (Concerning gambling games at racetracks).
IC 4-35-9-6 (Concerning gambling games at racetracks).
IC 4-36-6-5 (Concerning gambling in certain establishments).

SECTION 8. **An emergency is declared for this act.**

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1176, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 5, after "9." insert "**(a)**".

Page 2, delete line 9.

Page 2, line 10, delete "(4)" and insert "**(3)**".

Page 2, line 11, delete "(5)" and insert "**(4)**".

Page 2, line 12, delete "(4)." and insert "**(3).**".

Page 2, after line 12, begin a new paragraph and insert:

"**(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.**

SECTION 4. IC 4-33-10-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 6. (a) The following individuals may not wager on gambling games at a riverboat:**

(1) A member of the commission.

(2) An employee of the commission.

(3) The spouse of any individual listed in subdivisions (1) and (2).

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.

SECTION 5. IC 4-35-9-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 6. (a) The following individuals may not wager on gambling games at a facility licensed under this article:**

(1) A member of the commission.

(2) An employee of the commission.

(3) The spouse of any individual listed in subdivisions (1) and (2).

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.

SECTION 6. IC 35-51-4-1, AS AMENDED BY P.L.126-2012, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 4:

IC 4-1-10-8 (Concerning state agencies).

IC 4-1-10-9 (Concerning state agencies).

IC 4-2-7-8 (Concerning the inspector general).

IC 4-4-27-8 (Concerning the inspection of grain).

IC 4-13.6-4-14 (Concerning state public works).

IC 4-21.5-3-36 (Concerning administrative proceedings).

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IC 4-21.5-3-37 (Concerning administrative proceedings).
IC 4-30-3-19 (Concerning the lottery).
IC 4-30-3-19.5 (Concerning the lottery).
IC 4-30-3-19.7 (Concerning the lottery).
IC 4-30-12-5 (Concerning the lottery).
IC 4-30-13-1 (Concerning the lottery).
IC 4-30-14-1 (Concerning the lottery).
IC 4-30-14-2 (Concerning the lottery).
IC 4-30-14-3 (Concerning the lottery).
IC 4-30-14-4 (Concerning the lottery).
IC 4-30-14-5 (Concerning ~~horse racing).~~ **the lottery).**
IC 4-30-14-6 (Concerning the lottery).
IC 4-31-7-9 (Concerning horse racing).
IC 4-31-13-3 (Concerning horse racing).
IC 4-31-13-3.5 (Concerning horse racing).
IC 4-31-13-9 (Concerning horse racing).
IC 4-32.2-8-4 (Concerning charity gaming).
IC 4-33-10-1 (Concerning riverboat gambling).
IC 4-33-10-2 (Concerning riverboat gambling).
IC 4-33-10-2.1 (Concerning riverboat gambling).
IC 4-33-10-2.5 (Concerning riverboat gambling).
IC 4-33-10-6 (Concerning riverboat gambling).
IC 4-33-22-14 (Concerning boxing and mixed martial arts).
IC 4-33-22-40 (Concerning boxing and mixed martial arts).
IC 4-35-9-2 (Concerning gambling games at racetracks).
IC 4-35-9-3 (Concerning gambling games at racetracks).
IC 4-35-9-4 (Concerning gambling games at racetracks).
IC 4-35-9-5 (Concerning gambling games at racetracks).
IC 4-35-9-6 (Concerning gambling games at racetracks).
IC 4-36-6-5 (Concerning gambling in certain establishments).".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1176 as introduced.)

DAVIS, Chair

Committee Vote: yeas 12, nays 0.

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill No. 1176, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 6. IC 35-31.5-2-185, AS AMENDED BY SEA 85-2013, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 185. (a) "Law enforcement officer" means:

(1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;

(2) a deputy of any of those persons;

(3) an investigator for a prosecuting attorney or for the inspector general;

(4) a conservation officer;

(5) an enforcement officer of the alcohol and tobacco commission;

(6) an enforcement officer of the securities division of the office of the secretary of state; or

(7) **a gaming agent employed under IC 4-33-4.5 or** a gaming control officer employed by the gaming control division under IC 4-33-20.

(b) "Law enforcement officer", for purposes of IC 35-42-2-1, includes an alcoholic beverage enforcement officer, as set forth in IC 35-42-2-1(b)(1).

(c) "Law enforcement officer", for purposes of IC 35-45-15, includes a federal enforcement officer, as set forth in IC 35-45-15-3.".

Page 3, after line 30, begin a new paragraph and insert:

"SECTION 8. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1176 as printed February 1, 2013.)

ALTING, Chairperson

Committee Vote: Yeas 10, Nays 0.

C o p y