

047666204

HOUSE BILL NO. 152

Offered January 14, 2004

Prefiled December 30, 2003

A BILL to amend and reenact § 18.2-340.20 of the Code of Virginia, relating to the Department of Charitable Gaming; permits.

Patron—Albo

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-340.20 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-340.20. Denial, suspension or revocation of permit; hearings and appeals.

A. The Department may deny, suspend or revoke the permit of any organization found not to be in strict compliance with the provisions of this article and the regulations of the Board. The action of the Department in denying, suspending, or revoking any permit shall be subject to the Administrative Process Act (§ 2.2-4000 et seq.).

B. Except as provided in §§ 18.2-340.30 and 18.2-340.36, no permit to conduct charitable gaming shall be denied, suspended or revoked except upon notice stating the proposed basis for such action and the time and place for the hearing. At the discretion of the Department, hearings may be conducted by hearing officers who shall be selected from the list prepared by the Executive Secretary of the Supreme Court. After a hearing on the issues, the Department may refuse to issue or may suspend or revoke any such permit if it determines that the organization has not complied with the provisions of this article or the regulations of the Board.

C. Any person aggrieved by a refusal of the Department to issue any permit, the suspension or revocation of a permit, or any other action of the Department, may seek review of such action in accordance with Article 4 (§ 2.2-4025 et seq.) of the Administrative Process Act.

D. ~~Until December 31, 2004, the~~ The Department shall not deny, suspend, or revoke the permit of any organization solely because of its failure to meet the required minimum percentage of its gross receipts required to be used for charitable purposes, as prescribed by regulations adopted pursuant to subdivision 1 of § 18.2-340.19, ~~unless requested by the organization,~~ provided that (i) the organization ~~(i) was conducting gaming in a rented facility prior to January 1, 2000, and (ii) is otherwise in compliance with the laws and regulations governing charitable gaming in the Commonwealth; (ii) there are no pending criminal charges or prior convictions against an officer of the organization or game manager involving a felony related to fraud, theft, or financial crimes, or involving a misdemeanor related to moral turpitude; and (iii) the Department determines that an organization has used sufficient proceeds for the lawful religious, charitable, community or educational purposes for which the organization is specifically chartered or organized after taking into account the organization's payment of gaming expenses and reasonable and proper business expenses.~~

2. That the provisions of subsection D of § 18.2-340.20 of the Code of Virginia shall expire on December 31, 2005, or when replacement regulations adopted pursuant to subdivision 1 of § 18.2-340.19 by the Department of Charitable Gaming, as the successor agency for the Charitable Gaming Commission, become effective, whichever occurs first.

INTRODUCED

HB152