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HOUSE BILL NO. 1803

Offered January 13, 1999

A BILL to amend and reenact § 18.2-325 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-325.1, relating to illegal gambling; promoting gambling aboard ships; penalty.

Patrons—McDonnell, Albo, Black, Cox, Croshaw, Davis, Drake, Katzen, Marshall, May, McQuigg, Nixon, Orrock, Purkey, Tata, Wagner and Ware; Senator: Schrock

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-325 of the Code of Virginia is amended and reenacted, and the Code of Virginia is amended by adding a section numbered 18.2-325.1 as follows:

§ 18.2-325. Definitions.

1. "Illegal gambling" means the making, placing or ~~receipt~~, *receiving* of any bet or wager in this Commonwealth of money or other thing of value, made in exchange for a chance to win a prize, stake or other consideration or thing of value, dependent upon the result of any game, contest or any other event the outcome of which is uncertain or a matter of chance, whether such game, contest or event, occurs or is to occur inside or outside the limits of this Commonwealth.

2. "Interstate gambling" means the conduct of an enterprise for profit which engages in the purchase or sale within the Commonwealth of any interest in a lottery of another state or country whether or not such interest is an actual lottery ticket, receipt, contingent promise to pay, order to purchase, or other record of such interest.

3. "Gambling device" includes:

a. Any device, machine, paraphernalia, equipment, or other thing, including books, records and other papers, which ~~are~~ *is* actually used in an illegal gambling operation or activity, and

b. Any machine, apparatus, implement, instrument, contrivance, board or other thing, including but not limited to those dependent upon the insertion of a coin or other object for their operation, which operates, either completely automatically or with the aid of some physical act by the player or operator, in such a manner that, depending upon elements of chance, it may eject something of value or determine the prize or other thing of value to which the player is entitled; provided, however, that the return to the user of nothing more than additional chances or the right to use such machine is not deemed something of value within the meaning of this subsection; and provided further, that machines that only sell, or entitle the user to, items of merchandise of equivalent value that may differ from each other in composition, size, shape or color, shall not be deemed gambling devices within the meaning of this subsection.

Such devices are no less gambling devices if they indicate beforehand the definite result of one or more operations but not all the operations. Nor are they any less a gambling device because, apart from their use or adaptability as such, they may also sell or deliver something of value on a basis other than chance.

4. "Operator" includes any person, firm or association of persons, who conducts, finances, manages, supervises, directs or owns all or part of an illegal gambling enterprise, activity or operation.

5. "Craft" includes every boat, ship, vessel, barge, hulk, or other thing capable of floating.

6. "Gambling ship" means any craft kept, operated, maintained, or used for illegal gambling, whether within or without the waters of the Commonwealth, and whether it is anchored, moored, lying to, or navigating.

§ 18.2-325.1. Promoting gambling aboard ship prohibited; penalty.

A. A person commits the offense of promoting gambling aboard ships if the person knowingly advances or profits from an illegal gambling activity by:

1. Managing, supervising, controlling, operating, or owning, either alone or in association with others, a gambling ship;

2. Managing, supervising, controlling, operating, or owning, either alone or in association with others, any craft which embarks from any point within the Commonwealth, and disembarks at the same or another point within the Commonwealth, during which the person intentionally causes or knowingly permits an illegal gambling activity to be conducted, whether within or without the waters of the Commonwealth; or

3. Transporting, conveying, or carrying any person to a gambling ship or a craft described in subdivision 2.

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60 *B. This section shall not apply to gambling activity conducted during travel from foreign nations or*
61 *another state or territory of the United States to the point of first entry into the Commonwealth or*
62 *during travel to foreign nations or another state or territory of the United States from the point of final*
63 *exit from the waters of the Commonwealth; provided that nothing herein shall preclude prosecution for*
64 *any offense under this article.*

65 *C. Any person convicted of a violation of this section shall be punished in accordance with the*
66 *provisions of § 18.2-328.*

67 **2. That an emergency exists and this act is in force from its passage.**

68 **3. That the provisions of this act may result in a net increase in periods of imprisonment in state**
69 **correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation**
70 **is \$0 in FY 2009.**