

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 18-0866.01 Duane Gall x4335

HOUSE BILL 18-1234

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A BILL FOR AN ACT

101 CONCERNING CLARIFICATION OF THE LAWS GOVERNING SIMULATED
102 GAMBLING ACTIVITY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Section 1 of the bill amends the definitions of key terms such as "electronic gaming machine", "gambling", "prize", and "simulated gambling device" as used in the criminal statutes governing simulated gambling devices. **Section 2** specifies that unlawful offering of a simulated gambling device occurs if a person receives payment indirectly or in a nonmonetary form for use of a simulated gambling device, and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
March 23, 2018

that the time of payment (i.e., before or after use of the device) is irrelevant.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-10.5-102, **amend**
3 the introductory portion, (5), and (6); and **add** (3.5) as follows:

4 **18-10.5-102. Definitions.** As used in this ~~article~~ ARTICLE 10.5,
5 unless the context otherwise requires:

6 (3.5) "GAMBLING", WHETHER USED ALONE OR AS PART OF THE
7 PHRASE "SIMULATED GAMBLING" OR "SIMULATED GAMBLING DEVICE", HAS
8 THE MEANING SET FORTH IN SECTION 18-10-102 (2); EXCEPT THAT, FOR
9 PURPOSES OF THIS ARTICLE 10.5, THE EXCEPTION SET FORTH IN SECTION
10 18-10-102 (2)(a) DOES NOT APPLY.

11 (5) (a) "Prize" means a gift, award, gratuity, good, service, credit,
12 or anything else of value, INCLUDING A THING OF VALUE FOR A "GAIN" AS
13 DEFINED IN SECTION 18-10-102 (1), that may be transferred to a ~~person~~ AN
14 ENTRANT, whether or not possession of the prize is actually transferred or
15 placed on an account or other record as evidence of the intent to transfer
16 the prize.

17 (b) "Prize" does not include:

18 (I) Free or additional play; ~~or~~

19 (II) Any intangible or virtual award that cannot be converted into
20 money, goods, or services; OR

21 (III) A PAPER OR ELECTRONIC COUPON, WHETHER ISSUED TO A
22 PLAYER AS A SINGLE TICKET OR TOKEN OR AS MULTIPLE TICKETS OR
23 TOKENS, THAT IS WON IN RETURN FOR A SINGLE PLAY OF A DEVICE; HAS A
24 VALUE THAT DOES NOT EXCEED THE EQUIVALENT OF TWENTY-FIVE
25 DOLLARS; CANNOT BE EXCHANGED OR RETURNED FOR MONEY, MONETARY

1 CREDITS, OR ANY FINANCIAL CONSIDERATION; AND CANNOT BE USED TO
2 ACQUIRE OR EXCHANGED FOR ANY PRODUCT THAT IS, CONTAINS, OR CAN
3 BE USED AS A CONSTITUENT PART OF OR ACCESSORY FOR:

- 4 (A) ALCOHOL BEVERAGES;
- 5 (B) TOBACCO, TOBACCO PRODUCTS, MARIJUANA, OR SMOKING; OR
- 6 (C) FIREARMS OR AMMUNITION.

7 (6) (a) "Simulated gambling device" means a mechanically or
8 electronically operated machine, network, system, program, or device that
9 is used by an entrant and that displays simulated gambling displays on a
10 screen or other mechanism at a business location, including a private
11 club, that is owned, leased, or otherwise possessed, in whole or in part, by
12 a person conducting the game or by that person's partners, affiliates,
13 subsidiaries, agents, or contractors; EXCEPT THAT the term DOES NOT
14 INCLUDE BONA FIDE AMUSEMENT DEVICES, AS AUTHORIZED IN SECTION
15 12-47-103 (30), THAT PAY NOTHING OF VALUE, CANNOT BE ADJUSTED TO
16 PAY ANYTHING OF VALUE, AND ARE NOT USED FOR GAMBLING.

17 "SIMULATED GAMBLING DEVICE" includes:

- 18 (a) (I) A video poker game or any other kind of video card game;
- 19 (b) (II) A video bingo game;
- 20 (c) (III) A video craps game;
- 21 (d) (IV) A video keno game;
- 22 (e) (V) A video lotto game;
- 23 (f) (VI) A video roulette game;
- 24 (g) (VII) A pot-of-gold;
- 25 (h) (VIII) An eight-liner;
- 26 (k) (IX) A slot machine, WHERE RESULTS ARE DETERMINED BY
27 REASON OF THE SKILL OF THE PLAYER OR THE APPLICATION OF THE

1 ELEMENT OF CHANCE, OR BOTH, AS PROVIDED BY SECTION 9 (4)(c) OF
2 ARTICLE XVIII OF THE COLORADO CONSTITUTION; and

3 (†) (X) A device that functions as, or simulates the play of, a slot
4 machine, WHERE RESULTS ARE DETERMINED BY REASON OF THE SKILL OF
5 THE PLAYER OR THE APPLICATION OF THE ELEMENT OF CHANCE, OR BOTH,
6 AS PROVIDED BY SECTION 9 (4)(c) OF ARTICLE XVIII OF THE COLORADO
7 CONSTITUTION.

8 (b) "SIMULATED GAMBLING DEVICE" DOES NOT INCLUDE ANY
9 PARI-MUTUEL TOTALISATOR EQUIPMENT THAT IS USED FOR PARI-MUTUEL
10 WAGERING ON LIVE OR SIMULCAST RACING EVENTS AND THAT HAS BEEN
11 APPROVED BY THE DIRECTOR OF THE DIVISION OF RACING EVENTS FOR
12 ENTITIES AUTHORIZED AND LICENSED UNDER ARTICLE 60 OF TITLE 12.

13 **SECTION 2.** In Colorado Revised Statutes, 18-10.5-103, **amend**
14 (1)(a) as follows:

15 **18-10.5-103. Prohibition - penalties - exemptions.** (1) A person
16 commits unlawful offering of a simulated gambling device if the person
17 offers, facilitates, contracts for, or otherwise makes available to or for
18 members of the public or members of an organization or club any
19 simulated gambling device where:

20 (a) The PERSON RECEIVES, DIRECTLY OR INDIRECTLY, A payment
21 OR TRANSFER of consideration is ~~required or permitted for~~ IN CONNECTION
22 WITH AN ENTRANT'S use of the SIMULATED GAMBLING device, ~~for~~
23 admission to premises on which the SIMULATED GAMBLING device is
24 located, or ~~for~~ the purchase of any product or service associated with
25 access to or use of the SIMULATED GAMBLING device, REGARDLESS OF
26 WHETHER CONSIDERATION IN CONNECTION WITH SUCH USE, ADMISSION, OR
27 PURCHASE IS MONETARY OR NONMONETARY AND REGARDLESS OF

1 WHETHER IT IS PAID OR TRANSFERRED BEFORE THE SIMULATED GAMBLING
2 DEVICE IS USED BY AN ENTRANT; and

3 **SECTION 3. Applicability.** This act applies to conduct occurring
4 on or after the effective date of this act.

5 **SECTION 4. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.