

SENATE, No. 3246

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MAY 16, 2024

Sponsored by:

Senator VINCENT J. POLISTINA

District 2 (Atlantic)

SYNOPSIS

Changes underage gambling from disorderly persons offense to civil penalty; provides for deposit of all associated fines to local public safety funds.

CURRENT VERSION OF TEXT

As introduced.



S3246 POLISTINA

2

1 AN ACT concerning the penalties for underage gambling and
2 amending P.L.1977, c.110.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 119 of P.L.1977, c.110 (C.5:12-119) is amended to
8 read as follows:

9 119. Gaming by Certain Persons Prohibited; Penalties;
10 Defenses.

11 a. A person under the age at which a person is authorized to
12 purchase and consume alcoholic beverages shall not enter, or wager
13 in, a licensed casino or simulcasting facility; provided, however,
14 that the person may enter a casino or simulcasting facility by way of
15 passage to another room, and provided further, however, that any
16 person licensed or registered under the provisions of the "Casino
17 Control Act," P.L.1977, c.110 (C.5:12-1 et seq.), may enter a casino
18 or simulcasting facility in the regular course of the person's
19 permitted activities.

20 Any person who violates this subsection shall be **[**guilty of a
21 disorderly persons offense and shall be fined not less than \$500 and
22 not more than \$1,000**]** liable to a civil penalty of up to \$500 for the
23 first offense, up to \$1,000 for the second offense, and up to \$2,000
24 for the third offense and any offense thereafter, which shall be
25 collected by the commissioner in a summary proceeding before a
26 court of competent jurisdiction pursuant to the "Penalty
27 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

28 b. Any licensee or employee of a casino who allows a person
29 under the age at which a person is authorized to purchase and
30 consume alcoholic beverages to remain in or wager in a casino or
31 simulcasting facility **[**is guilty of a disorderly persons offense**]**
32 shall be liable to the same civil penalty established pursuant to
33 subsection a. of this section; except that the establishment of all of
34 the following facts by a licensee or employee allowing any
35 underage person to remain shall constitute a defense to any
36 **[**prosecution**]** proceeding therefor:

37 (1) That the underage person falsely represented in writing that
38 he or she was at or over the age at which a person is authorized to
39 purchase and consume alcoholic beverages;

40 (2) That the appearance of the underage person was such that an
41 ordinary prudent person would believe him or her to be at or over
42 the age at which a person is authorized to purchase and consume
43 alcoholic beverages; and

44 (3) That the admission was made in good faith, relying upon
45 such written representation and appearance, and in the reasonable

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 belief that the underage person was actually at or over the age at
2 which a person is authorized to purchase and consume alcoholic
3 beverages.

4 c. A person who knowingly allows or permits another person
5 who is under his or her lawful care, custody, or control and who is
6 under the age at which a person is authorized to purchase and
7 consume alcoholic beverages to wager or attempt to wager in a
8 licensed casino or simulcasting facility in violation of subsection a.
9 of this section **【is guilty of a disorderly persons offense】** shall be
10 liable to the same civil penalty established pursuant to subsection a.
11 of this section.

12 d. All penalties assessed under this section shall be distributed
13 to the city of Atlantic City for deposit into a dedicated public safety
14 services trust fund. Amounts deposited in the trust fund shall be
15 used by the city solely and exclusively to fund appropriations for
16 public safety services.

17 (cf: P.L.2019, c.276, s.8)

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19 2. This act shall take effect immediately.

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STATEMENT

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24 Under current law, anyone who gambles while under the legal of
25 21 is guilty of a disorderly persons offense. A person who allows
26 someone under the age of 21 to gamble, while they are in that
27 person's legal care or custody, is also guilty of a disorderly persons
28 offense. A licensee or employee of a casino who allows someone
29 under the age of 21 to gamble is guilty of a disorderly persons
30 offense as well.

31 This bill changes the penalties for these actions from that of a
32 disorderly persons offense, which is of a criminal nature, to instead
33 be a civil fine of up to \$500 for the first offense, up to \$1,000 for
34 the second offense, and up to \$2,000 for any offense thereafter.
35 The fines collected will be distributed to Atlantic City for the sole
36 use of public safety services.