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AB-649 Gambling Control Act. (2019-2020)

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Assembly Bill No. 649

CHAPTER 432

An act to amend Sections 19859, 19911, 19912, 19914, 19921, and 19941 of the Business and Professions Code, relating to gambling.

[Approved by Governor October 02, 2019. Filed with Secretary of State October 02, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 649, Cristina Garcia. Gambling Control Act.

(1) The existing Gambling Control Act (act) provides for the licensure and regulation of various legalized gambling activities and establishments by the California Gambling Control Commission and the investigation and enforcement of those activities and establishments by the Department of Justice. The existing act specifically requires the commission to provide for a state gambling license, key employee license, or work permit and authorizes the commission to deny a license or work permit for any cause deemed reasonable by the commission.

The existing act makes a person under 21 years of age ineligible for a work permit in a gambling establishment and prohibits that person from entering the premises of a gambling establishment, except as provided. The existing act makes it a crime, punishable as a misdemeanor, for a person under 21 years of age to, among other things, be an employee of a licensed gambling establishment, except in areas of the establishment where no gambling activity or activity directly associated with gambling takes place.

This bill would permit a person who is 18 through 20 years of age to work in a gambling establishment without a work permit, but only in job classifications that do not involve working on the gaming floor or on other restricted access areas, as specified, and that are not involved in the play of a controlled game, as specified. The bill would require an employee who is 18 through 20 years of age to wear a chest-level badge on their outermost garment stating the person is under 21 years of age, as specified. The bill would also make conforming changes.

(2) The existing act requires an individual who is under 21 years of age and using a pathway to enter upon or pass through the gaming floor to be accompanied by or in the presence of a person or gambling establishment employee who is over 21 years of age, as specified.

This bill would instead require a nonemployee who is under 21 years of age to be accompanied by a person or gambling establishment employee who is over 21 years of age, in certain areas of the establishment.

(3) The existing act prohibits a person from being employed as a gambling enterprise employee unless the person has a work permit or is an independent contractor not required to hold a work permit.

This bill would authorize a person to begin working as a gambling enterprise employee with limited job duties after applying for a work permit, provided that the person wears a chest-level badge on their outermost garment stating their temporary authorization,

as specified. This bill would also permit a person who is 18 through 20 years of age to work as a gambling enterprise employee without a work permit but only in positions that are located outside of certain areas of the establishment and that do not involve gambling operations, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 19859 of the Business and Professions Code is amended to read:

19859. The commission shall deny a license to any applicant who is disqualified for any of the following reasons:

(a) Failure of the applicant to clearly establish eligibility and qualification in accordance with this chapter.

(b) Failure of the applicant to provide information, documentation, and assurances required by this chapter or requested by the chief, or failure of the applicant to reveal any fact material to qualification, or the supplying of information that is untrue or misleading as to a material fact pertaining to the qualification criteria.

(c) (1) Except as provided in paragraph (2), conviction of a felony, including a conviction by a federal court or a court in another state for a crime that would constitute a felony if committed in California.

(2) A conviction of a felony for the possession of cannabis, the facts of which would not constitute a felony or misdemeanor under California law on the date the application for a license is submitted, shall not constitute a basis to deny a license pursuant to this section.

(d) Conviction of the applicant for any misdemeanor involving dishonesty or moral turpitude within the 10-year period immediately preceding the submission of the application, unless the applicant has been granted relief pursuant to Section 1203.4, 1203.4a, or 1203.45 of the Penal Code; provided, however, that the granting of relief pursuant to Section 1203.4, 1203.4a, or 1203.45 of the Penal Code shall not constitute a limitation on the discretion of the commission under Section 19856 or affect the applicant's burden under Section 19857.

(e) Association of the applicant with criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code.

(f) Contumacious defiance by the applicant of any legislative investigatory body, or other official investigatory body of any state or of the United States, when that body is engaged in the investigation of crimes relating to gambling; official corruption related to gambling activities; or criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code.

(g) The applicant is less than 21 years of age, except as provided by this chapter.

SEC. 2. Section 19911 of the Business and Professions Code is amended to read:

19911. (a) A person under 21 years of age is not eligible for a work permit, and a permit shall not be issued to a person under 21 years of age.

(b) A person who is 18 through 20 years of age may be employed to work in a gambling establishment, without a work permit, but shall not be allowed to perform any duties of a gambling enterprise employee on the floor of the gambling establishment or in areas that are identified as restricted access areas to gambling enterprise employees, including, but not limited to, the cage, count room, surveillance room, security office, vault, and card storage. A person who is 18 through 20 years of age may be employed in job classifications that entail providing services exclusively off the gaming floor and that are not involved in the play of a controlled game.

SEC. 3. Section 19912 of the Business and Professions Code is amended to read:

19912. (a) (1) A person shall not be employed as a gambling enterprise employee, or serve as an independent agent, except as provided in paragraph (2), (3), or (4), unless the person is the holder of one of the following:

(A) A valid work permit issued in accordance with the applicable ordinance or regulations of the county, city, or city and county in which the person's duties are performed.

(B) A work permit issued by the commission pursuant to regulations adopted by the commission for the issuance and renewal of work permits. A work permit issued by the commission shall be valid for two years.

(2) An independent agent is not required to hold a work permit if the independent agent is not a resident of this state and has registered with the department in accordance with regulations.

(3) A person whose job duties are not supervisory, not related to the operation or administration of gambling, and who does not perform employment duties in the area where gambling is conducted, may begin working as a gambling enterprise employee after applying for a work permit provided that the person wears a temporary badge on their outermost garment at chest level with their name, picture, and the words "Non-Gaming Employee, Work Permit Pending." Except as provided in paragraph (4), after the person has received a work permit, the person may perform any duties for which a work permit is required. If the person is denied a work permit, the person shall not work as a gambling enterprise employee in any gaming or nongaming job.

(4) A person who is 18 through 20 years of age may be employed without a work permit and only in a position that is not supervisory, not related to the operation or administration of gambling, and not allowed to perform duties in an area in which gambling is conducted, until the person reaches 21 years of age, if the person wears a badge on their outermost garment at chest level with the words "Non-Gaming Employee: Under 21." The badge shall have a different background color than the badges worn by other gambling enterprise employees.

(b) Except as provided in this section, a work permit shall not be issued by the commission or by any city, county, or city and county to any person who would be disqualified from holding a state gambling license for the reasons specified in subdivisions (a) to (f), inclusive, of Section 19859.

(c) The department may object to the issuance of a work permit by a city, county, or city and county for any cause specified under this chapter deemed reasonable by the department, and if the department objects to issuance of a work permit, the work permit issued by a city, county, or city and county shall be denied.

(1) The commission shall adopt regulations specifying particular grounds for objection to issuance of, or refusal to issue, a work permit.

(2) The ordinance of any city, county, or city and county relating to issuance of work permits shall permit the department to object to the issuance of any permit.

(3) Any person whose application for a work permit has been denied because of an objection by the department may apply to the commission for an evidentiary hearing in accordance with regulations.

(d) Application for a work permit for use in any jurisdiction where a locally issued work permit is not required by the licensing authority of a city, county, or city and county shall be made to the department, and may be granted or denied by the commission for any cause specified under this chapter.

(1) If the commission denies the application, it shall include in its notice of denial a statement of facts upon which it relied in denying the application.

(2) Upon receipt of an application for a work permit, the commission may issue a temporary work permit for a period specified by the commission, pending completion of the background investigation by the department and official action by the commission with respect to the work permit application.

(e) An order of the commission denying an application for, or placing restrictions or conditions on, a work permit, including an order declining to issue a work permit following review pursuant to paragraph (3) of subdivision (c), may be reviewed in accordance with subdivision (e) of Section 19870.

SEC. 4. Section 19914 of the Business and Professions Code is amended to read:

19914. (a) The commission may revoke a work permit or, if issued by the licensing authority of a city, county, or city and county, notify the authority to revoke it, and the licensing authority shall revoke it, if the commission finds, after a hearing, that a gambling enterprise employee or independent agent has failed to disclose, misstated, or otherwise misled the department or the commission with respect to any fact contained in any application for a work permit, or if the commission finds that the employee or independent agent, subsequent to being issued a work permit, has done any of the following:

(1) Committed, attempted, or conspired to do any acts prohibited by this chapter.

(2) Engaged in any dishonest, fraudulent, or unfairly deceptive activities in connection with controlled gambling, or knowingly possessed or permitted to remain in or upon any premises any cards, dice, mechanical devices, or any other cheating device.

(3) Concealed or refused to disclose any material fact in any investigation by the department.

(4) Committed, attempted, or conspired to commit, any embezzlement or larceny against a gambling licensee or upon the premises of a gambling establishment.

(5) Been convicted in any jurisdiction of any offense involving or relating to gambling.

(6) Accepted employment without prior commission approval in a position for which the employee or independent agent could be required to be licensed under this chapter after having been denied a license or after failing to apply for licensing when requested to do so by the commission.

(7) Been refused the issuance of any license, permit, or approval to engage in or be involved with gambling or parimutuel wagering in any jurisdiction, or had the license, permit, or approval revoked or suspended.

(8) Been prohibited under color of governmental authority from being present upon the premises of any licensed gambling establishment or any establishment where parimutuel wagering is conducted, for any reason relating to improper gambling activities or any illegal act.

(9) Been convicted of any felony.

(b) The commission shall revoke a work permit if it finds, after hearing, that the holder thereof would be disqualified from holding a state gambling license for the reasons specified in subdivision (e) or (f) of Section 19859.

(c) Nothing in this section shall be construed to limit any powers of the commission with respect to licensing.

SEC. 5. Section 19921 of the Business and Professions Code is amended to read:

19921. (a) A person under 21 years of age is not permitted to enter upon the premises of a licensed gambling establishment, or any part thereof, except for the following areas:

(1) An area separated from a gambling area, used for a nongaming purpose, including for maintenance, parking, or business offices, or for the purpose of dining or food or beverage service or preparation. For purposes of this subdivision, a place where food or beverages are dispensed primarily by a vending machine is not a place for dining.

(2) Restrooms.

(3) A supervised room that is physically separated from a gambling area and used primarily for the purpose of entertainment or recreation.

(4) Those areas authorized in connection with employment in accordance with subdivision (b) of Section 19911.

(b) A person who is under 21 years of age and not a gambling enterprise employee may enter upon or pass through a gambling area on a designated pathway to reach any of the areas described in paragraphs (1) to (3), inclusive, of subdivision (a) only if accompanied by a person or gambling enterprise employee who is 21 years of age or over.

(c) A person under 21 years of age shall not be permitted to loiter in a gaming area.

SEC. 6. Section 19941 of the Business and Professions Code is amended to read:

19941. (a) A person under 21 years of age shall not do any of the following:

(1) Play, be allowed to play, place wagers at, or collect winnings from, whether personally or through an agent, a gambling game.

(2) Be employed as an employee in a licensed gambling establishment, except as provided in Section 19912.

(3) Present or offer to a licensee, or to an agent of a licensee, written, printed, or photostatic evidence of age and identity that is false, fraudulent, or not actually the person's own for the purpose of doing any of the things described in paragraphs (1) and (2).

(4) Loiter in or about a room in which a gambling game is operated or conducted.

(b) A licensee or employee in a gambling establishment who knowingly violates or knowingly permits the violation of paragraphs (1) to (3), inclusive, of subdivision (a) is guilty of a misdemeanor.

(c) A person under 21 years of age who violates this section is guilty of a misdemeanor.

(d) Proof that a licensee, or agent or employee of a licensee, demanded, was shown, and acted in reliance upon bona fide evidence of age and identity shall be a defense to any criminal prosecution under this section or to any proceeding for the suspension or revocation of a license or work permit based thereon. For the purposes of this section, "bona fide evidence of age and identity" means a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof,

including, but not limited to, a motor vehicle operator's license or an identification card issued to a member of the Armed Forces, that contains the name, date of birth, description, and picture of the person.