GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2015 REGULAR SESSION

SENATE BILL NO. 28

AS ENACTED

WEDNESDAY, MARCH 11, 2015

RECEIVED AND FILED
DATE March 19, 2015
2:33pm

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

1 AN ACT relating to the placement of illegal gambling devices in business
2 establishments and declaring an emergency.
3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***
4 ➔Section 1. KRS 528.010 is amended to read as follows:
5 The following definitions apply in this chapter unless the context otherwise requires:
6 (1) "Advancing gambling activity" -- A person "advances gambling activity" when,
7 acting other than as a player, he engages in conduct that materially aids any form of
8 gambling activity. The conduct shall include, but is not limited to, conduct directed
9 toward the establishment of the particular game, contest, scheme, device, or activity
10 involved; toward the acquisition or maintenance of premises, paraphernalia,
11 equipment, or apparatus therefor; toward the solicitation or inducement of persons
12 to participate therein; toward the actual conduct of the playing phases thereof;
13 toward the arrangement of any of its financial or recording phases or toward any
14 other phase of its operation. A person who gambles at a social game of chance on
15 equal terms with other participants does not otherwise advance gambling activity by
16 performing acts, without remuneration or fee, directed toward the arrangement or
17 facilitation of the game as inviting persons to play, permitting the use of premises
18 therefor and supplying equipment used therein.
19 (2) "Bookmaking" means advancing gambling activity by unlawfully accepting bets
20 upon the outcome of future contingent events from members of the public as a
21 business.
22 (3) (a) "Gambling" means staking or risking something of value upon the outcome of
23 a contest, game, gaming scheme, or gaming device which is based upon an
24 element of chance, in accord with an agreement or understanding that
25 someone will receive something of value in the event of a certain outcome. A
26 contest or game in which eligibility to participate is determined by chance and
27 the ultimate winner is determined by skill shall not be considered to be

1 gambling.
2 (b) Gambling shall not mean charitable gaming which is licensed and regulated
3 under the provisions of KRS Chapter 238.
4 (4) "Gambling device" means:
5 (a) Any so-called slot machine or any other machine or mechanical device an
6 essential part of which is a drum or reel with insignia thereon, and which
7 when operated may deliver, as a result of the application of an element of
8 chance, any money or property, or by the operation of which a person may
9 become entitled to receive, as the result of the application of an element of
10 chance, any money or property;[~~ or~~]
11 ***(b) Any mechanical or electronic device permanently located in a business***
12 ***establishment, including a private club, that is offered or made available to***
13 ***a person to play or participate in a simulated gambling program in return***
14 ***for direct or indirect consideration, including but not limited to***
15 ***consideration paid for Internet access or computer time, or a sweepstakes***
16 ***entry, which when operated may deliver as a result of the application of an***
17 ***element of chance, any money or property, or by the operation of which a***
18 ***person may become entitled to receive, as the result of the application of an***
19 ***element of chance, any money or property; or***
20 ***(c)***[~~(b)~~] Any other machine or any mechanical or other device, including but not
21 limited to roulette wheels, gambling tables and similar devices, designed and
22 manufactured primarily for use in connection with gambling and which when
23 operated may deliver, as the result of the application of an element of chance,
24 any money or property, or by the operation of which a person may become
25 entitled to receive, as the result of the application of an element of chance, any
26 money or property;
27 ***(d)***[~~(c)~~] But, the following shall not be considered gambling devices within this

1 definition:

2 1. Devices dispensing or selling combination or French pools on licensed,
3 regular racetracks during races on said tracks.

4 ***2. Devices dispensing or selling combination or French Pools on***
5 ***historical races at licensed, regular racetracks as lawfully authorized***
6 ***by the Kentucky Horse Racing Commission.***

7 ***3.***[~~2.~~]Electro-mechanical pinball machines specially designed, constructed, set
8 up, and kept to be played for amusement only. Any pinball machine
9 shall be made to receive and react only to the deposit of coins during the
10 course of a game. The ultimate and only award given directly or
11 indirectly to any player for the attainment of a winning score or
12 combination on any pinball machine shall be the right to play one (1) or
13 more additional games immediately on the same device at no further
14 cost. The maximum number of free games that can be won, registered,
15 or accumulated at one (1) time in operation of any pinball machine shall
16 not exceed thirty (30) free games. Any pinball machine shall be made to
17 discharge accumulated free games only by reactivating the playing
18 mechanism once for each game released. Any pinball machine shall be
19 made and kept with no meter or system to preserve a record of free
20 games played, awarded, or discharged. Nonetheless, a pinball machine
21 shall be a gambling device if a person gives or promises to give money,
22 tokens, merchandise, premiums, or property of any kind for scores,
23 combinations, or free games obtained in playing the pinball machine in
24 which the person has an interest as owner, operator, keeper, or
25 otherwise.

26 ***4.***[~~3.~~]Devices used in the conduct of charitable gaming.

27 (5) "Lottery and gift enterprise" means:

1 (a) A gambling scheme in which:
2 1. The players pay or agree to pay something of value for chances,
3 represented and differentiated by numbers or by combinations of
4 numbers or by some other media, one (1) or more of which are to be
5 designated the winning ones; and
6 2. The ultimate winner is to be determined by a drawing or by some other
7 method based upon the element of chance; and
8 3. The holders of the winning chances are to receive something of value.
9 (b) A gift enterprise or referral sales plan which meets the elements of a lottery
10 listed in paragraph (a) of this subsection is to be considered a lottery under
11 this chapter.
12 (6) "Mutuel" or "the numbers games" means a form of lottery in which the winning
13 chances or plays are not determined upon the basis of a drawing or other act on the
14 part of persons conducting or connected with the scheme, but upon the basis of the
15 outcome or outcomes of a future contingent event or events otherwise unrelated to
16 the particular scheme.
17 (7) "Player" means a person who engages in any form of gambling solely as a
18 contestant or bettor, without receiving or becoming entitled to receive any profit
19 therefrom other than personal gambling winnings, and without otherwise rendering
20 any material assistance to the establishment, conduct, or operation of the particular
21 gambling activity. A person who engages in "bookmaking" as defined in subsection
22 (2) of this section is not a "player." The status of a "player" shall be a defense to any
23 prosecution under this chapter.
24 (8) "Profiting from gambling activity" -- A person "profits from gambling activity"
25 when, other than as a player, he accepts or receives or agrees to accept or receive
26 money or other property pursuant to an agreement or understanding with any person
27 whereby he participates or is to participate in the proceeds of gambling activity.

1 ***(9) "Simulated gambling program" means any method intended to be used by a***
2 ***person playing, participating, or interacting with an electronic device that may,***
3 ***through the application of an element of chance, either deliver money or property***
4 ***or an entitlement to receive money or property.***
5 ***(10)***[~~(9)~~] "Something of value" means any money or property, any token, object, or
6 article exchangeable for money or property, or any form of credit or promise
7 directly or indirectly contemplating transfer of money or property or of any interest
8 therein, or involving extension of a service, entertainment, or a privilege of playing
9 at a game or scheme without charge.
10 ***(11)***[~~(10)~~] "Charitable gaming" means games of chance conducted by charitable
11 organizations licensed and regulated under the provisions of KRS Chapter 238.
12 ➔Section 2. No provision of this Act shall be construed as a recognition or
13 finding concerning whether the operation of wagering on historical horse races constitutes
14 a pari-mutuel form of wagering or concerning the legality of wagering on historical horse
15 races, the devices upon which wagering on historical horse races is conducted, or the
16 gaming system.
17 ➔Section 3. Whereas it is important to protect the citizens of Kentucky from
18 illegal gambling activity, an emergency is declared to exist, and this Act takes effect upon
19 its passage and approval by the Governor or upon its otherwise becoming a law.

President of Senate

Speaker-House of Representatives

Attest: Chief Clerk of Senate

Approved Governor

Date 3/19/15