

# HOUSE BILL No. 1217

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-33-4; IC 10-11-9.

**Synopsis:** State police and riverboat enforcement. Establishes the gaming enforcement division within the state police department.

**Effective:** July 1, 2004.

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**Duncan**

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January 15, 2004, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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# HOUSE BILL No. 1217



A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 4-33-4-3, AS AMENDED BY P.L.143-2003,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2004]: Sec. 3. (a) The commission shall do the following:
- 4 (1) Adopt rules that the commission determines necessary to
- 5 protect or enhance the following:
- 6 (A) The credibility and integrity of gambling operations
- 7 authorized by this article.
- 8 (B) The regulatory process provided in this article.
- 9 (2) Conduct all hearings concerning civil violations of this article.
- 10 (3) Provide for the establishment and collection of license fees
- 11 and taxes imposed under this article.
- 12 (4) Deposit the license fees and taxes in the state gaming fund
- 13 established by IC 4-33-13.
- 14 (5) Levy and collect penalties for noncriminal violations of this
- 15 article.
- 16 (6) Deposit the penalties in the state gaming fund established by
- 17 IC 4-33-13.



- 1           ~~(7)~~ Be present through the commission's inspectors and agents
- 2           during the time gambling operations are conducted on a riverboat
- 3           to do the following:
- 4           (A) Certify the revenue received by a riverboat.
- 5           ~~(B)~~ Receive complaints from the public.
- 6           ~~(C)~~ Conduct other investigations into the conduct of the
- 7           gambling games and the maintenance of the equipment that
- 8           the commission considers necessary and proper.
- 9           ~~(8)~~ (7) Adopt emergency rules under IC 4-22-2-37.1 if the
- 10          commission determines that:
- 11          (A) the need for a rule is so immediate and substantial that
- 12          rulemaking procedures under IC 4-22-2-13 through
- 13          IC 4-22-2-36 are inadequate to address the need; and
- 14          (B) an emergency rule is likely to address the need.
- 15          ~~(9)~~ (8) Adopt rules to establish and implement a voluntary
- 16          exclusion program that meets the requirements of subsection (c).
- 17          (b) The commission shall begin rulemaking procedures under
- 18          IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted
- 19          under subsection ~~(a)(8)~~ (a)(7) not later than thirty (30) days after the
- 20          adoption of the emergency rule under subsection ~~(a)(8)~~: (a)(7).
- 21          (c) Rules adopted under subsection ~~(a)(9)~~ (a)(8) must provide the
- 22          following:
- 23          (1) Except as provided by rule of the commission, a person who
- 24          participates in the voluntary exclusion program agrees to refrain
- 25          from entering a riverboat or other facility under the jurisdiction of
- 26          the commission.
- 27          (2) That the name of a person participating in the program will be
- 28          included on a list of persons excluded from all facilities under the
- 29          jurisdiction of the commission.
- 30          (3) Except as provided by rule of the commission, a person who
- 31          participates in the voluntary exclusion program may not petition
- 32          the commission for readmittance to a facility under the
- 33          jurisdiction of the commission.
- 34          (4) That the list of patrons entering the voluntary exclusion
- 35          program is confidential and may only be disseminated by the
- 36          commission to the owner of a facility under the jurisdiction of the
- 37          commission for purposes of enforcement.
- 38          (5) That the personal information of a person who participates in
- 39          the voluntary exclusion program is confidential.
- 40          (6) That an owner of a facility under the jurisdiction of the
- 41          commission shall make all reasonable attempts as determined by
- 42          the commission to cease all direct marketing efforts to a person

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participating in the program.  
(7) That an owner of a facility under the jurisdiction of the commission may not cash the check of a person participating in the program or extend credit to the person in any manner. However, the voluntary exclusion program does not preclude an owner from seeking the payment of a debt accrued by a person before entering the program.

SECTION 2. IC 4-33-4-3.5, AS AMENDED BY P.L.92-2003, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3.5. (a) The commission ~~may employ or shall contract for inspectors and agents required under section 3(7) of this chapter.~~ **with the gaming enforcement division of the state police department to have the personnel of the division present during the time gambling operations are conducted on a riverboat to do the following:**

- (1) Certify the revenue received by a riverboat.
- (2) Receive complaints from the public.
- (3) Conduct other investigations into the conduct of the gambling games and the maintenance of the equipment that the commission considers necessary and proper.

(b) The licensed owners and operating agents shall, in the manner prescribed by the rules of the commission, reimburse the commission for the salaries and other expenses of the ~~inspectors and agents~~ **personnel of the gaming enforcement division of the state police department** required to be present during the time gambling operations are conducted on a riverboat.

SECTION 3. IC 10-11-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

**Chapter 9. Gaming Enforcement Division**

**Sec. 1. As used in this chapter, "division" refers to the gaming enforcement division established by section 2 of this chapter.**

**Sec. 2. (a) The gaming enforcement division is established within the department to enforce compliance with IC 4-33 and the rules adopted under IC 4-33.**

(b) The division is under the administrative control and jurisdiction of the superintendent.

(c) The superintendent shall staff the division with personnel necessary for its efficient operation.

(d) The superintendent may adopt rules to carry out the purposes of this chapter.

**Sec. 3. (a) The division consists of the following individuals:**

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- (1) Police personnel.
- (2) Auditors, accountants, and other professionals that the superintendent determines are necessary to carry out the duties imposed by this chapter.
- (3) Stenographic and clerical personnel needed to carry out the work of the division.

**(b) The police personnel of the division:**

- (1) must be state police officers;
- (2) shall be selected, trained, and subject to all the provisions of and vested with all of the authority granted by IC 10-11-2, except that the police personnel must be permanently assigned to and primarily responsible for carrying out the duties imposed by this chapter; and
- (3) shall receive specialized training to carry out the duties imposed by this chapter in a program that must include training in:

- (A) conducting background investigations;
- (B) gaming operations;
- (C) gaming devices and equipment;
- (D) detecting cheating, including cheating at table games, slot cheating techniques, and dealer collusion and theft;
- (E) detecting fraud, including organized credit card fraud and internal fraud, and theft;
- (F) money laundering techniques; and
- (G) riverboat surveillance.

Upon call of the superintendent, with the approval of the governor, the police personnel assigned to the division shall be available for general police duty in emergency situations only.

(c) The personnel of the division described in subsection (a)(2) must have the specialized training required of the police personnel under subsection (b)(3)(B) through (b)(3)(F).

**Sec. 4. (a) The police personnel employed by the division:**

- (1) are vested with all necessary police powers to enforce; and
- (2) may investigate and make arrests for the violation of;

IC 4-33 or rules adopted under IC 4-33.

(b) This section does not abridge or change the authority, obligation, or duty of any other law enforcement officer to enforce Indiana law on board or in the vicinity of a riverboat.

**Sec. 5.** The superintendent shall develop a training program to provide the personnel of the division the specialized training required under section 3 of this chapter. The Indiana gaming commission and the law enforcement training board shall assist the

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superintendent in the development of the program.

Sec. 6. The facilities of the law enforcement academy may be used for the training of the police and professional personnel of the division. The training shall be conducted upon the terms and conditions established by the law enforcement training board.

Sec. 7. (a) A police officer employed by the division after June 30, 2004, may not enforce IC 4-33 or a rule adopted under IC 4-33 unless the officer has, within two (2) years after the date of the individual's employment by the division, successfully completed the specialized training requirements established under this chapter.

(b) A professional described in section 3(a)(2) of this chapter who is employed by the division after June 30, 2004, must successfully complete the specialized training requirements established by this chapter within one (1) year after the date of the individual's employment by the division.

Sec. 8. Operating and other expenses for the division in the discharge of duties under this chapter shall be paid by the Indiana gaming commission upon the presentation of interdepartmental billing to the commission by the superintendent.

SECTION 4. [EFFECTIVE JULY 1, 2004] (a) As used in this SECTION, "division" means the gaming enforcement division established by IC 10-11-9, as added by this act.

(b) For purposes of IC 10-11-9-7, as added by this act, July 1, 2004, is considered to be the date of an officer's employment by the division for a state police officer who:

- (1) is assigned to a riverboat before July 1, 2004; and
- (2) remains assigned, without interruption, to a riverboat after June 30, 2004, as a member of the division.

(c) This SECTION does not affect a state police officer's date of employment with the state police department.

(d) This SECTION expires January 1, 2005.

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