

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 405 be amended to read as follows:

- 1 Page 38, between lines 26 and 27, begin a new paragraph and insert:
- 2 "SECTION 40. IC 35-45-5-1, AS AMENDED BY P.L.3-2008,
- 3 SECTION 252, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) The definitions in this section
- 5 apply throughout this chapter.
- 6 (b) "Electronic gaming device" means any electromechanical
- 7 device, electrical device, or machine that satisfies at least one (1) of the
- 8 following requirements:
- 9 (1) It is a contrivance which for consideration affords the player
- 10 an opportunity to obtain money or other items of value, the award
- 11 of which is determined by chance even if accomplished by some
- 12 skill, whether or not the prize is automatically paid by the
- 13 contrivance.
- 14 (2) It is a slot machine or any simulation or variation of a slot
- 15 machine.
- 16 (3) It is a matchup or lineup game machine or device operated for
- 17 consideration, in which two (2) or more numerals, symbols,
- 18 letters, or icons align in a winning combination on one (1) or
- 19 more lines vertically, horizontally, diagonally, or otherwise,
- 20 without assistance by the player. The use of a skill stop is not
- 21 considered assistance by the player.
- 22 (4) It is a video game machine or device operated for
- 23 consideration to play poker, blackjack, any other card game, keno,
- 24 or any simulation or variation of these games, including any game

1 in which numerals, numbers, pictures, representations, or symbols
 2 are used as an equivalent or substitute for the cards used in these
 3 games.

4 The term does not include a toy crane machine or any other
 5 **self-redemption** device played for amusement that rewards a player
 6 exclusively with a toy, a novelty, candy, other noncash merchandise, or
 7 a ticket or coupon redeemable for a toy, a novelty, or other noncash
 8 merchandise that has a wholesale value of not more than ~~the lesser of~~
 9 ~~ten (10) times the amount charged to play the amusement device one~~
 10 ~~(1) time or twenty-five dollars (\$25):~~ **one hundred seventy-five**
 11 **dollars (\$175).**

12 (c) "Gain" means the direct realization of winnings.

13 (d) "Gambling" means risking money or other property for gain,
 14 contingent in whole or in part upon lot, chance, or the operation of a
 15 gambling device, but it does not include participating in:

16 (1) bona fide contests of skill, speed, strength, or endurance in
 17 which awards are made only to entrants or the owners of entries;

18 or

19 (2) bona fide business transactions that are valid under the law of
 20 contracts.

21 (e) "Gambling device" means:

22 (1) a mechanism by the operation of which a right to money or
 23 other property may be credited, in return for consideration, as the
 24 result of the operation of an element of chance;

25 (2) a mechanism that, when operated for a consideration, does not
 26 return the same value or property for the same consideration upon
 27 each operation;

28 (3) a mechanism, furniture, fixture, construction, or installation
 29 designed primarily for use in connection with professional
 30 gambling;

31 (4) a policy ticket or wheel; or

32 (5) a subassembly or essential part designed or intended for use
 33 in connection with such a device, mechanism, furniture, fixture,
 34 construction, or installation.

35 In the application of this definition, an immediate and unrecorded right
 36 to replay mechanically conferred on players of pinball machines and
 37 similar amusement devices is presumed to be without value.

38 (f) "Gambling information" means:

39 (1) a communication with respect to a wager made in the course
 40 of professional gambling; or

41 (2) information intended to be used for professional gambling.

42 (g) "Interactive computer service" means an Internet service, an
 43 information service, a system, or an access software provider that
 44 provides or enables computer access to a computer served by multiple
 45 users. The term includes the following:

46 (1) A service or system that provides access or is an intermediary

- 1 to the Internet.
- 2 (2) A system operated or services offered by a library, school,
3 state educational institution, or private postsecondary educational
4 institution.
- 5 (h) "Operator" means a person who owns, maintains, or operates an
6 Internet site that is used for interactive gambling.
- 7 (i) "Profit" means a realized or unrealized benefit (other than a gain)
8 and includes benefits from proprietorship or management and unequal
9 advantage in a series of transactions.
- 10 (j) "Tournament" means a contest in which:
- 11 (1) the consideration to enter the contest may take the form of a
12 separate entry fee or the deposit of the required consideration to
13 play in any manner accepted by the:
- 14 (A) video golf machine; or
15 (B) pinball machine or similar amusement device described in
16 subsection (m)(2);
17 on which the entrant will compete;
- 18 (2) each player's score is recorded; and
19 (3) the contest winner and other prize winners are determined by
20 objectively comparing the recorded scores of the competing
21 players.
- 22 (k) "Toy crane machine" means a device that is used to lift prizes
23 from an enclosed space by manipulating a mechanical claw.
- 24 (l) For purposes of this chapter:
- 25 (1) a card game; or
26 (2) an electronic version of a card game;
27 is a game of chance and may not be considered a bona fide contest of
28 skill.
- 29 (m) In the application of the definition of gambling set forth in
30 subsection (d), the payment of consideration to participate in a
31 tournament conducted on:
- 32 (1) video golf games; or
33 (2) pinball machines and similar amusement devices that award
34 no prizes other than to mechanically confer an immediate and
35 unrecorded right to replay on players that is presumed to be
36 without value under this section;

1 is not considered gambling even if the value of a prize awarded in the
2 course of the tournament exceeds the amount of the player's
3 consideration."

4 Renumber all SECTIONS consecutively.
 (Reference is to ESB 405 as printed February 19, 2010.)

Representative Bell