

House Bill 487

By: Representatives Ramsey of the 72nd, Hatchett of the 150th, Coomer of the 14th, and Nimmer of the 178th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to
2 offenses against public health and morals, so as to correct a cross reference; to clarify the
3 application of certain provisions to the Georgia Lottery; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against
8 public health and morals, is amended by revising subsections (a), (h), and (i) of Code Section
9 16-12-35, relating to applicability of certain provisions relative to gambling, as follows;

10 "(a) As used in this Code section, the term 'some skill' means any presence of the following
11 factors, alone or in combination with one another:

- 12 (1) A learned power of doing a thing competently;
- 13 (2) A particular craft, art, ability, strategy, or tactic;
- 14 (3) A developed or acquired aptitude or ability;
- 15 (4) A coordinated set of actions, including, but not limited to, eye-hand coordination;
- 16 (5) Dexterity, fluency, or coordination in the execution of learned physical or mental
17 tasks or both;
- 18 (6) Technical proficiency or expertise;
- 19 (7) Development or implementation of strategy or tactics in order to achieve a goal; or
- 20 (8) Knowledge of the means or methods of accomplishing a task.

21 The term some skill refers to a particular craft, coordinated effort, art, ability, strategy, or
22 tactic employed by the player to affect in some way the outcome of the game played on a
23 bona fide coin operated amusement machine as defined in paragraph (2) of Code Section
24 ~~48-17-1~~ 50-27-70. If a player can take no action to affect the outcome of the game, the
25 bona fide coin operated amusement machine does not meet the 'some skill' requirement of
26 this Code section."

27 "(h) Any gift certificates, tokens, vouchers, tickets, or other evidence of winnings awarded
28 under subsection (c) or (d) of this Code section must be redeemable only at the premises
29 on which the game or device is located. It shall be unlawful for any person to provide to
30 any other person as a reward for play on any such game or device any gift certificate,
31 token, voucher, ticket, or other evidence of winning which is redeemable or exchangeable
32 for any thing of value at any other premises. It shall be unlawful for any person at any
33 premises other than those on which the game or device is located to give any thing of value
34 to any other person for any gift certificate, token, voucher, ticket, or other evidence of
35 winning received by such other person from play on such game or device. Any person who
36 violates this subsection shall be guilty of a misdemeanor of a high and aggravated nature.
37 This subsection shall not apply to any ticket or product of the Georgia Lottery Corporation.
38 (i) The merchandise, prizes, toys, gift certificates, novelties, or rewards which may be
39 awarded under subsection (c) or (d) of this Code section may not include or be redeemable
40 or exchangeable for any firearms, alcohol, or tobacco ~~or any lottery ticket or other item~~
41 ~~enabling participation in any lottery.~~ Any person who violates this subsection shall be
42 guilty of a misdemeanor of a high and aggravated nature."

43

SECTION 2.

44 All laws and parts of laws in conflict with this Act are repealed.