

House Bill 1373

By: Representatives Ridley of the 22nd, Ridley of the 6th, Horner of the 3rd, and Douglas of the 78th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia
2 Annotated, relating to gambling, so as to revise certain exceptions from the criminal
3 prohibitions on gambling for coin operated amusement machines; to expand such exceptions
4 to coin operated amusement machines that may be operated for the play of poker, blackjack,
5 any other card game, or keno; to provide for conforming changes; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
10 relating to gambling, is amended in Code Section 16-12-20, relating to definitions regarding
11 gambling, by revising paragraph (2) as follows:

12 "(2) 'Gambling device' means:

13 (A) Any contrivance which for a consideration affords the player an opportunity to
14 obtain money or other thing of value, the award of which is determined by chance even
15 though accompanied by some skill, whether or not the prize is automatically paid by
16 contrivance;

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17 (B) Any slot machine or any simulation or variation thereof; or
 18 (C) Any matchup or lineup game machine or device, operated for any consideration,
 19 in which two or more numerals, symbols, letters, or icons align in a winning
 20 combination on one or more lines vertically, horizontally, diagonally, or otherwise,
 21 without assistance by the player. Use of skill stops shall not be considered assistance
 22 by the player; ~~or~~
 23 ~~(D) Any video game machine or device, operated for any consideration, for the play~~
 24 ~~of poker, blackjack, any other card game, or keno or any simulation or variation of any~~
 25 ~~of the foregoing, including, but not limited to, any game in which numerals, numbers,~~
 26 ~~or any pictures, representations, or symbols are used as an equivalent or substitute for~~
 27 ~~cards in the conduct of such game.~~
 28 Any item described in subparagraph (B); or (C); ~~or (D)~~ of this paragraph shall be a
 29 prohibited gambling device subject to and prohibited by this part, notwithstanding any
 30 inference to the contrary in any other law of this state."

31 **SECTION 2.**

32 Said part is further amended in Code Section 16-12-35, relating to applicability of part and
 33 penalty for violation, by revising subsection (b) and paragraph (1) of subsection (d) as
 34 follows:

35 "(b) Nothing in this part shall apply to a coin operated game or device designed and
 36 manufactured for bona fide amusement purposes only which may by application of some
 37 skill entitle the player to earn replays of the game or device at no additional cost and to
 38 discharge the accumulated free replays only by reactivating the game or device for each
 39 accumulated free replay or by reactivating the game or device for a portion or all of the
 40 accumulated free plays in a single play. This subsection shall not apply, however, to any
 41 game or device classified by the United States government as requiring a federal gaming
 42 tax stamp under applicable provisions of the Internal Revenue Code or any item described

43 as a gambling device in subparagraph (B); or (C), ~~or (D)~~ of paragraph (2) of Code
44 Section 16-12-20."

45 "(d)(1) Nothing in this part shall apply to a coin operated game or device designed and
46 manufactured only for bona fide amusement purposes which involves some skill in its
47 operation if it rewards the player exclusively with:

48 (A) Free replays;

49 (B) Merchandise limited to noncash merchandise, prizes, toys, gift certificates, or
50 novelties, each of which has a wholesale value of not more than \$5.00 received for a
51 single play of the game or device;

52 (C) Points, tokens, vouchers, tickets, or other evidence of winnings which may be
53 exchanged for rewards set out in subparagraph (A) of this paragraph or
54 subparagraph (B) of this paragraph or a combination of rewards set out in
55 subparagraph (A) and subparagraph (B) of this paragraph; or

56 (D) Any combination of rewards set out in two or more of subparagraph (A), (B),
57 or (C) of this paragraph.

58 This subsection shall not apply, however, to any game or device classified by the United
59 States government as requiring a federal gaming stamp under applicable provisions of the
60 Internal Revenue Code or any item described as a gambling device in subparagraph (B);
61 or (C), ~~or (D)~~ of paragraph (2) of Code Section 16-12-20."

62 **SECTION 3.**

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