

AMENDED IN SENATE SEPTEMBER 1, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1188

Introduced by Assembly Member Gipson

February 27, 2015

An act to amend ~~Section 19805 of the Business and Professions Code, relating to gambling.~~ *Section 6530 of the Penal Code, relating to imported animals.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1188, as amended, Gipson. ~~Gambling: key employee.~~ *Importation or sale of endangered animals.*

Existing law makes it unlawful to import into the state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body or other part or product of specified endangered animals, including kangaroos.

This bill would delete the prohibition on the importation, possession with the intent to sell, and selling within the state of kangaroos.

~~Existing law, the Gambling Control Act, provides for the licensure and regulation of various legalized gambling activities and establishments by the California Gambling Control Commission and the investigation and enforcement of those activities and establishments by the Department of Justice. For purposes of the act, existing law defines "key employee" as any natural person employed in the operation of a gambling enterprise in a supervisory capacity or empowered to make discretionary decisions that regulate gambling operations, including, among others, pit bosses, shift bosses, credit executives, cashier operations supervisors, gambling operation managers and assistant managers, and managers or supervisors of security employees.~~

~~This bill would revise the definition of “key employee” to mean any natural person employed in the operation of a gambling enterprise in a supervisory capacity or empowered to make discretionary decisions with regard to gambling operations. The bill would also delete pit bosses and shift bosses from the definition of “key employee,” and would instead include shift managers and surveillance managers and supervisors in these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 653o of the Penal Code, as amended by
2 Section 2 of Chapter 464 of the Statutes of 2014, is amended to
3 read:

4 653o. (a) It is unlawful to import into this state for commercial
5 purposes, to possess with intent to sell, or to sell within the state,
6 the dead body, or any part or product thereof, of a polar bear,
7 leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canis*
8 *lupus*), zebra, whale, cobra, python, sea turtle, colobus monkey,
9 ~~kangaroo~~, vicuna, sea otter, free-roaming feral horse, dolphin or
10 porpoise (*Delphinidae*), Spanish lynx, or elephant.

11 (b) (1) Commencing January 1, 2020, ~~it shall be~~ *is* unlawful to
12 import into this state for commercial purposes, to possess with
13 intent to sell, or to sell within the state, the dead body, or any part
14 or product thereof, of a crocodile or alligator.

15 (2) This subdivision ~~shall does not be construed to~~ authorize
16 the importation or sale of any alligator or crocodilian species, or
17 any products thereof, that are listed as endangered under the federal
18 Endangered Species Act, or to allow the importation or sale of any
19 alligator or crocodilian species, or any products thereof, in violation
20 of any federal law or international treaty to which the United States
21 is a party.

22 (c) ~~A person who violates violation of~~ this section ~~is guilty of~~
23 ~~punishable as~~ a misdemeanor and ~~shall be~~ *is* subject to a fine of
24 not less than one thousand dollars (\$1,000) and not to exceed five
25 thousand dollars (\$5,000) or imprisonment in the county jail not
26 to exceed six months, or both that fine and imprisonment, for each
27 violation.

1 (d) The prohibitions against importation for commercial
2 purposes, possession with intent to sell, and sale of the species
3 listed in this section are severable. A finding of the invalidity of
4 any one or more prohibitions shall not affect the validity of any
5 remaining prohibitions.

6 (e) This section shall become operative on January 1, 2016.

7 ~~SECTION 1. Section 19805 of the Business and Professions~~
8 ~~Code is amended to read:~~

9 ~~19805. As used in this chapter, the following definitions shall~~
10 ~~apply:~~

11 (a) ~~“Affiliate” means a person who, directly or indirectly through~~
12 ~~one or more intermediaries, controls, is controlled by, or is under~~
13 ~~common control with, a specified person.~~

14 (b) ~~“Applicant” means any person who has applied for, or is~~
15 ~~about to apply for, a state gambling license, a key employee license,~~
16 ~~a registration, a finding of suitability, a work permit, a~~
17 ~~manufacturer’s or distributor’s license, or an approval of any act~~
18 ~~or transaction for which the approval or authorization of the~~
19 ~~commission or department is required or permitted under this~~
20 ~~chapter.~~

21 (c) ~~“Banking game” or “banked game” does not include a~~
22 ~~controlled game if the published rules of the game feature a~~
23 ~~player-dealer position and provide that this position must be~~
24 ~~continuously and systematically rotated amongst each of the~~
25 ~~participants during the play of the game, ensure that the~~
26 ~~player-dealer is able to win or lose only a fixed and limited wager~~
27 ~~during the play of the game, and preclude the house, another entity,~~
28 ~~a player, or an observer from maintaining or operating as a bank~~
29 ~~during the course of the game. For purposes of this section, it is~~
30 ~~not the intent of the Legislature to mandate acceptance of the deal~~
31 ~~by every player if the department finds that the rules of the game~~
32 ~~render the maintenance of or operation of a bank impossible by~~
33 ~~other means. The house shall not occupy the player-dealer position.~~

34 (d) ~~“Chief” means the head of the entity within the department~~
35 ~~that is responsible for fulfilling the obligations imposed upon the~~
36 ~~department by this chapter.~~

37 (e) ~~“Commission” means the California Gambling Control~~
38 ~~Commission.~~

39 (f) ~~“Controlled gambling” means to deal, operate, carry on,~~
40 ~~conduct, maintain, or expose for play any controlled game.~~

- 1 ~~(g) “Controlled game” means any controlled game, as defined~~
- 2 ~~by subdivision (c) of Section 337j of the Penal Code.~~
- 3 ~~(h) “Department” means the Department of Justice.~~
- 4 ~~(i) “Director” means any director of a corporation or any person~~
- 5 ~~performing similar functions with respect to any organization.~~
- 6 ~~(j) “Finding of suitability” means a finding that a person meets~~
- 7 ~~the qualification criteria described in subdivisions (a) and (b) of~~
- 8 ~~Section 19857, and that the person would not be disqualified from~~
- 9 ~~holding a state gambling license on any of the grounds specified~~
- 10 ~~in Section 19859.~~
- 11 ~~(k) “Game” and “gambling game” means any controlled game.~~
- 12 ~~(l) “Gambling” means to deal, operate, carry on, conduct,~~
- 13 ~~maintain, or expose for play any controlled game.~~
- 14 ~~(m) “Gambling enterprise” means a natural person or an entity,~~
- 15 ~~whether individual, corporate, or otherwise, that conducts a~~
- 16 ~~gambling operation and that by virtue thereof is required to hold~~
- 17 ~~a state gambling license under this chapter.~~
- 18 ~~(n) “Gambling enterprise employee” means any natural person~~
- 19 ~~employed in the operation of a gambling enterprise, including,~~
- 20 ~~without limitation, dealers, floor personnel, security employees,~~
- 21 ~~countroom personnel, cage personnel, collection personnel,~~
- 22 ~~surveillance personnel, data-processing personnel, appropriate~~
- 23 ~~maintenance personnel, waiters and waitresses, and secretaries, or~~
- 24 ~~any other natural person whose employment duties require or~~
- 25 ~~authorize access to restricted gambling establishment areas.~~
- 26 ~~(o) “Gambling establishment,” “establishment,” or “licensed~~
- 27 ~~premises,” except as otherwise defined in Section 19812, means~~
- 28 ~~one or more rooms where any controlled gambling or activity~~
- 29 ~~directly related thereto occurs.~~
- 30 ~~(p) “Gambling license” or “state gambling license” means any~~
- 31 ~~license issued by the state that authorizes the person named therein~~
- 32 ~~to conduct a gambling operation.~~
- 33 ~~(q) “Gambling operation” means exposing for play one or more~~
- 34 ~~controlled games that are dealt, operated, carried on, conducted,~~
- 35 ~~or maintained for commercial gain.~~
- 36 ~~(r) “Gross revenue” means the total of all compensation received~~
- 37 ~~for conducting any controlled game, and includes interest received~~
- 38 ~~in payment for credit extended by an owner licensee to a patron~~
- 39 ~~for purposes of gambling, except as provided by regulation.~~

1 ~~(s) “Hours of operation” means the period during which a~~
2 ~~gambling establishment is open to conduct the play of controlled~~
3 ~~games within a 24-hour period. In determining whether there has~~
4 ~~been expansion of gambling relating to “hours of operation,” the~~
5 ~~department shall consider the hours in the day when the local~~
6 ~~ordinance permitted the gambling establishment to be open for~~
7 ~~business on January 1, 1996, and compare the current ordinance~~
8 ~~and the hours during which the gambling establishment may be~~
9 ~~open for business. The fact that the ordinance was amended to~~
10 ~~permit gambling on a day, when gambling was not permitted on~~
11 ~~January 1, 1996, shall not be considered in determining whether~~
12 ~~there has been gambling in excess of that permitted by Section~~
13 ~~19961.~~

14 ~~(t) “House” means the gambling enterprise, and any owner,~~
15 ~~shareholder, partner, key employee, or landlord thereof.~~

16 ~~(u) “Independent agent,” except as provided by regulation,~~
17 ~~means any person who does either of the following:~~

18 ~~(1) Collects debt evidenced by a credit instrument.~~

19 ~~(2) Contracts with an owner licensee, or an affiliate thereof, to~~
20 ~~provide services consisting of arranging transportation or lodging~~
21 ~~for guests at a gambling establishment.~~

22 ~~(v) “Initial license” means the license first issued to a person~~
23 ~~authorizing that person to commence the activities authorized by~~
24 ~~that license.~~

25 ~~(w) “Institutional investor” means any retirement fund~~
26 ~~administered by a public agency for the exclusive benefit of federal,~~
27 ~~state, or local public employees, any investment company~~
28 ~~registered under the Investment Company Act of 1940 (15 U.S.C.~~
29 ~~Sec. 80a-1 et seq.), any collective investment trust organized by~~
30 ~~banks under Part Nine of the Rules of the Comptroller of the~~
31 ~~Currency, any closed-end investment trust, any chartered or~~
32 ~~licensed life insurance company or property and casualty insurance~~
33 ~~company, any banking and other chartered or licensed lending~~
34 ~~institution, any investment adviser registered under the Investment~~
35 ~~Advisers Act of 1940 (15 U.S.C. Sec. 80b-1 et seq.) acting in that~~
36 ~~capacity, and other persons as the commission may determine for~~
37 ~~reasons consistent with the policies of this chapter.~~

38 ~~(x) “Key employee” means any natural person employed in the~~
39 ~~operation of a gambling enterprise in a supervisory capacity or~~
40 ~~empowered to make discretionary decisions with regard to~~

- 1 gambling operations, including, without limitation, shift managers,
 2 credit executives, cashier operations supervisors, gambling
 3 operation managers and assistant managers, managers or
 4 supervisors of security employees, surveillance managers or
 5 supervisors, or any other natural person designated as a key
 6 employee by the department for reasons consistent with the policies
 7 of this chapter.
- 8 (y) “Key employee license” means a state license authorizing
 9 the holder to be employed as a key employee.
- 10 (z) “License” means a gambling license, key employee license,
 11 or any other license issued by the commission pursuant to this
 12 chapter or regulations adopted pursuant to this chapter.
- 13 (aa) “Licensed gambling establishment” means the gambling
 14 premises encompassed by a state gambling license.
- 15 (ab) “Limited partnership” means a partnership formed by two
 16 or more persons having as members one or more general partners
 17 and one or more limited partners.
- 18 (ac) “Limited partnership interest” means the right of a general
 19 or limited partner to any of the following:
- 20 (1) To receive from a limited partnership any of the following:
- 21 (A) A share of the revenue.
- 22 (B) Any other compensation by way of income.
- 23 (C) A return of any or all of his or her contribution to capital of
 24 the limited partnership.
- 25 (2) To exercise any of the rights provided under state law.
- 26 (ad) “Owner licensee” means an owner of a gambling enterprise
 27 who holds a state gambling license.
- 28 (ae) “Person,” unless otherwise indicated, includes a natural
 29 person, corporation, partnership, limited partnership, trust, joint
 30 venture, association, or any other business organization.
- 31 (af) “Player” means a patron of a gambling establishment who
 32 participates in a controlled game.
- 33 (ag) “Player-dealer” and “controlled game featuring a
 34 player-dealer position” refer to a position in a controlled game, as
 35 defined by the approved rules for that game, in which seated player
 36 participants are afforded the temporary opportunity to wager
 37 against multiple players at the same table, provided that this
 38 position is rotated amongst the other seated players in the game.
- 39 (ah) “Publicly traded racing association” means a corporation
 40 licensed to conduct horse racing and simulcast wagering pursuant

1 to Chapter 4 (commencing with Section 19400) whose stock is
2 publicly traded.

3 (ai) “Qualified racing association” means a corporation licensed
4 to conduct horse racing and simulcast wagering pursuant to Chapter
5 4 (commencing with Section 19400) that is a wholly owned
6 subsidiary of a corporation whose stock is publicly traded.

7 (aj) “Renewal license” means the license issued to the holder
8 of an initial license that authorizes the license to continue beyond
9 the expiration date of the initial license.

10 (ak) “Work permit” means any card, certificate, or permit issued
11 by the commission, or by a county, city, or city and county, whether
12 denominated as a work permit, registration card, or otherwise,
13 authorizing the holder to be employed as a gambling enterprise
14 employee or to serve as an independent agent. A document issued
15 by any governmental authority for any employment other than
16 gambling is not a valid work permit for the purposes of this chapter.