

# 5:12-71.2

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001      **CHAPTER:** 39

**NJSA:** 5:12-71.2      (Problem gamblers)

**BILL NO:** A2517

**SPONSOR(S):** Lance and Arnone

**DATE INTRODUCED:** May 25, 2000

**COMMITTEE:**      **ASSEMBLY:** Commerce, Tourism

**SENATE:** Judiciary

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**      **ASSEMBLY:** March 8, 2001

**SENATE:** February 15, 2001

**DATE OF APPROVAL:**      March 23, 2001

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Assembly Committee Substitute (1R) enacted)

(Amendments during passage denoted by superscript numbers)

**SPONSORS STATEMENT:** (Begins on page 4 of original bill)      Yes

**COMMITTEE STATEMENT:**      **ASSEMBLY:**      Yes

**SENATE:**      Yes

**FLOOR AMENDMENT STATEMENTS:**      No

**LEGISLATIVE FISCAL ESTIMATE:**      No

**VETO MESSAGE:**      No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**      Yes

### FOLLOWING WERE PRINTED:

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<b>REPORTS:</b>	No
<b>HEARINGS:</b>	No
<b>NEWSPAPER ARTICLES:</b>	Yes

"Gamblers can say "no dice!" 3-24-2001 Star Ledger, p.7

# ASSEMBLY, No. 2517

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MAY 25, 2000

**Sponsored by:**

**Assemblyman LEONARD LANCE**

**District 23 (Warren, Hunterdon and Mercer)**

**Assemblyman MICHAEL J. ARNONE**

**District 12 (Monmouth)**

**Co-Sponsored by:**

**Assemblyman LeFevre**

**SYNOPSIS**

Allows problem gamblers to petition for voluntary placement on Casino Control Commission's list of persons excluded from casinos.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 7/14/2000)**

1 AN ACT allowing persons to petition the New Jersey Casino Control  
2 Commission for voluntary placement on the list of persons to be  
3 excluded from licensed casinos and amending P.L.1977, c.110.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 71 of P.L.1977, c.110 (C.5:12-71) is amended to read  
9 as follows:

10 71. Regulation Requiring Exclusion of Certain Persons. a. The  
11 commission shall, by regulation, provide for the establishment of a list  
12 of persons who are to be excluded or ejected from any licensed casino  
13 establishment. Such provisions shall define the standards for  
14 exclusion, and shall include standards relating to persons:

15 (1) Who are career or professional offenders as defined by  
16 regulations of the commission;

17 (2) Who have been convicted of a criminal offense under the laws  
18 of any state or of the United States, which is punishable by more than  
19 six months in prison, or any crime or offense involving moral  
20 turpitude; **[or]**

21 (3) Whose presence in a licensed casino hotel would, in the opinion  
22 of the commission, be inimical to the interest of the State of New  
23 Jersey or of licensed gaming therein, or both; or

24 (4) Who have filed a petition requesting placement on the list with  
25 the commission after having acknowledged in an affidavit that the  
26 petitioner is a problem gambler, that it is the petitioner's responsibility  
27 to refrain from visiting a casino in this State, that by being placed on  
28 the list the petitioner shall be guilty of a disorderly persons offense  
29 pursuant to section 118 of P.L.1977, c.110 (C.5:12-118), if the  
30 petitioner knowingly enters the premises of a licensed casino, and that  
31 the petitioner plans to seek treatment for a gambling problem. The  
32 portion of the list containing the names of persons who are placed on  
33 the list pursuant to this paragraph shall not be open to public  
34 inspection.

35 The commission shall promulgate definitions establishing those  
36 categories of persons who shall be excluded pursuant to this section,  
37 including cheats and persons whose privileges for licensure or  
38 registration have been revoked. The commission shall promulgate  
39 regulations requiring casino licensees to establish internal controls  
40 which set forth a licensee's plans with regard to persons placed on the  
41 list pursuant to paragraph (4) of this subsection for removing such  
42 persons from mailing lists advertising operation or marketing  
43 promotions, excluding mass mailings to "Resident", and for denying

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 such persons access to check cashing privileges, special club programs  
2 and the issuance of credit.

3 b. Race, color, creed, national origin or ancestry, or sex shall not  
4 be a reason for placing the name of any person upon such list.

5 c. The commission may impose sanctions upon a licensed casino or  
6 individual licensee or registrant in accordance with the provisions of  
7 this act if such casino or individual licensee or registrant knowingly  
8 fails to exclude or eject from the premises of any licensed casino any  
9 person placed by the commission on the list of persons to be excluded  
10 or ejected.

11 d. Any list compiled by the commission of persons to be excluded  
12 or ejected shall not be deemed an all-inclusive list, and licensed casino  
13 establishments shall have a duty to keep from their premises persons  
14 known to them to be within the classifications declared in paragraphs  
15 (1) and (2) of subsection a. of this section and the regulations  
16 promulgated thereunder, or known to them to be persons whose  
17 presence in a licensed casino hotel would be inimical to the interest of  
18 the State of New Jersey or of licensed gaming therein, or both, as  
19 defined in standards established by the commission.

20 e. Whenever the division petitions the commission to place the  
21 name of any person on a list pursuant to this section, the commission  
22 shall serve notice of such fact to such person by personal service, by  
23 certified mail at the last known address of such person, or by  
24 publication daily for one week in a newspaper of general circulation in  
25 Atlantic City.

26 f. Within 30 days after service of the petition in accordance with  
27 subsection e. of this section, the person named for exclusion or  
28 ejection may demand a hearing before the commission, at which  
29 hearing the division shall have the affirmative obligation to  
30 demonstrate by a preponderance of the evidence that the person named  
31 for exclusion or ejection satisfies the criteria for exclusion established  
32 by this section and the commission's regulations. Failure to demand  
33 such a hearing within 30 days after service shall be deemed an  
34 admission of all matters and facts alleged in the division's petition and  
35 shall preclude a person from having an administrative hearing, but shall  
36 in no way affect his or her right to judicial review as provided herein.

37 g. The division may file an application with the commission  
38 requesting preliminary placement on the list of a person named in a  
39 petition for exclusion or ejection pending completion of a hearing on  
40 the petition. The hearing on the application for preliminary placement  
41 shall be a limited proceeding at which the division shall have the  
42 affirmative obligation to demonstrate that there is a reasonable  
43 possibility that the person satisfies the criteria for exclusion established  
44 by this section and the commission's regulations. If a person has been  
45 placed on the list as a result of an application for preliminary  
46 placement, unless otherwise agreed by the commission and the named

1 person, a hearing on the petition for exclusion or ejection shall be  
2 initiated within 30 days after the receipt of a demand for such hearing  
3 or the date of preliminary placement on the list, whichever is later.

4 h. If, upon completion of the hearing on the petition for exclusion  
5 or ejection, the commission determines that the person named therein  
6 does not satisfy the criteria for exclusion established by this section  
7 and the commission's regulations, the commission shall issue an order  
8 denying the petition. If the person named in the petition for exclusion  
9 or ejection had been placed on the list as a result of an application for  
10 preliminary placement, the commission shall notify all casino licensees  
11 of his or her removal from the list.

12 i. If, upon completion of a hearing on the petition for exclusion or  
13 ejection, the commission determines that placement of the name of the  
14 person on the exclusion list is appropriate, the commission shall make  
15 and enter an order to that effect, which order shall be served on all  
16 casino licensees. Such order shall be subject to review by the Superior  
17 Court in accordance with the rules of court.

18 (cf: P.L.1993, c.292, s.9)

19  
20 2. This act shall take effect immediately but shall remain  
21 inoperative until the 60th day after enactment.

22  
23  
24 STATEMENT

25  
26 This bill provides a mechanism by which persons who acknowledge  
27 that they have a gambling problem and who wish to be aided in their  
28 efforts to refrain from visiting casinos in New Jersey may petition the  
29 Casino Control Commission for placement on the commission's list of  
30 persons to be excluded and ejected from any licensed casino  
31 establishment.

32 Persons currently eligible for placement on the list under  
33 N.J.S.A.5:12-71 include persons who are career or professional  
34 offenders as defined by regulations of the commission; who have been  
35 convicted of a criminal offense under the laws of any state or of the  
36 United States, which is punishable by more than six months in prison,  
37 or any crime or offense involving moral turpitude; or whose presence  
38 in a licensed casino hotel would, in the opinion of the commission, be  
39 inimical to the interest of the State of New Jersey or of its licensed  
40 gaming. Commission regulations provide a procedure by which, after  
41 five years, a person may petition to request removal from the list.

42 The bill adds to the groups of such persons currently on the list  
43 persons who have filed a petition for exclusion with the commission  
44 after having acknowledged in an affidavit that the petitioner is a  
45 problem gambler, that it is the petitioner's responsibility to refrain from  
46 visiting a casino in this State, that by being placed on the list the

1 petitioner will be guilty of a disorderly persons offense under  
2 N.J.S.A.5:12-118 if the petitioner knowingly enters the premises of a  
3 licensed casino, and that the petitioner plans to seek treatment for a  
4 gambling problem.

5 In addition, the bill requires the commission to promulgate  
6 regulations requiring casinos to establish internal controls with regard  
7 to persons voluntarily on the list for removing such persons from  
8 mailing lists advertising their operation or marketing promotions, and  
9 for denying such persons access to check cashing privileges, special  
10 club programs and the issuance of credit. The names of persons who  
11 voluntarily place themselves on the list will not be open to public  
12 inspection.

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2517**

---

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

ADOPTED SEPTEMBER 21, 2000

**Sponsored by:**

**Assemblyman LEONARD LANCE**

**District 23 (Warren, Hunterdon and Mercer)**

**Assemblyman MICHAEL J. ARNONE**

**District 12 (Monmouth)**

**Co-Sponsored by:**

**Assemblyman LeFevre and Assemblywoman Previte**

**SYNOPSIS**

Allows problem gamblers to request placement on Casino Control Commission's list for self-excluded persons.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Commerce, Tourism, Gaming and Military and Veterans' Affairs Committee.



**(Sponsorship Updated As Of: 10/6/2000)**



1 AN ACT allowing persons to volunteer for placement on the list of  
2 persons to be excluded from licensed casinos and supplementing  
3 P.L.1977, c.110 (C.5:12-1 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. a. The commission shall provide by regulation for the  
9 establishment of a list of persons self-excluded from gaming activities  
10 at all licensed casinos and simulcasting facilities. Any person may  
11 request placement on the list of self-excluded persons by  
12 acknowledging in a manner to be established by the commission that  
13 the person is a problem gambler and by agreeing that, during any  
14 period of voluntary exclusion, the person may not collect any winnings  
15 or recover any losses resulting from any gaming activity at such  
16 casinos and facilities.

17 b. The regulations of the commission shall establish procedures for  
18 placements on, and removals from, the list of self-excluded persons.  
19 Such regulations shall establish procedures for the transmittal to  
20 licensed casinos and simulcasting facilities of identifying information  
21 concerning self-excluded persons, and shall require licensed casinos  
22 and simulcasting facilities to establish procedures designed, at a  
23 minimum, to remove self-excluded persons from targeted mailings or  
24 other forms of advertising or promotions and deny self-excluded  
25 persons access to credit, complementaries, check cashing privileges  
26 club programs, and other similar benefits.

27 c. A licensed casino or simulcasting facility or employee thereof  
28 shall not be liable to any self-excluded person or to any other party in  
29 any judicial proceeding for any harm, monetary or otherwise, which  
30 may arise as a result of:

31 (1) the failure of a licensed casino or simulcasting facility to  
32 withhold gaming privileges from, or restore gaming privileges to, a  
33 self-excluded person; or

34 (2) otherwise permitting a self-excluded person to engage in  
35 gaming activity in such licensed casino or simulcasting facility while  
36 on the list of self-excluded persons.

37 d. Notwithstanding the provisions of P.L.1977, c.110 (C.5:12-1  
38 et seq.) or any other law to the contrary, the commission's list of self-  
39 excluded persons shall not be open to public inspection.

40 e. A licensed casino or simulcasting facility or employee thereof  
41 shall not be liable to any self-excluded person or to any other party in  
42 any judicial proceeding for any harm, monetary or otherwise, which  
43 may arise as a result of disclosure or publication in any manner, other  
44 than a willfully unlawful disclosure or publication, of the identity of  
45 any self-excluded person.

1        2. a. A person who is prohibited from gaming in a licensed casino  
2 or simulcasting facility by any provision of P.L.1977, c.110 (C.5:12-1  
3 et seq.) or any order of the commission or court of competent  
4 jurisdiction, including any person on the self-exclusion list pursuant to  
5 section 1 of P.L. , c. (C. )(now pending before the Legislature  
6 as this bill), shall not collect, in any manner or proceeding, any  
7 winnings or recover any losses arising as a result of any prohibited  
8 gaming activity.

9        b. For the purposes of P.L.1977, c.110 (C.5:12-1 et seq.), any  
10 gaming activity in a licensed casino or simulcasting facility which  
11 results in a prohibited person obtaining any money or thing of value  
12 from, or being owed any money or thing of value by, the casino or  
13 simulcasting facility shall be considered, solely for purposes of this  
14 section, to be a fully executed gambling transaction.

15        c. In addition to any other penalty provided by law, any money or  
16 thing or value which has been obtained by, or is owed to, any  
17 prohibited person by a licensed casino or simulcasting facility as a  
18 result of wagers made by a prohibited person shall be subject to  
19 forfeiture by order of the commission, on complaint of the division,  
20 following notice to the prohibited person and opportunity to be heard.

21        Of any forfeited amount under \$100,000, one-half shall be  
22 deposited into the State General Fund for appropriation by the  
23 Legislature to the Department of Health and Senior Services to  
24 provide funds for compulsive gambling treatment and prevention  
25 programs in the State and the remaining one-half shall be deposited  
26 into the Casino Revenue Fund. Of any forfeited amount of \$100,000  
27 or more, \$50,000 shall be deposited into the State General Fund for  
28 appropriation by the Legislature to the Department of Health and  
29 Senior Services to provide funds for compulsive gambling treatment  
30 and prevention programs and the remainder shall be deposited into the  
31 Casino Revenue Fund.

32        d. In any proceeding brought by the division against a licensee or  
33 registrant pursuant to section 108 of P.L. 1977, c.110 (C.5:1-108) for  
34 violation of the commission's self-exclusion regulations, the  
35 commission may order, in addition to any other sanction authorized by  
36 section 129 of P.L. 1977, c.110 (C.5:12-129), the forfeiture of any  
37 money or thing of value obtained by the licensee or registrant from any  
38 self-excluded person. Any money or thing of value so forfeited shall  
39 be disposed of in the same manner as any money or thing of value  
40 forfeited pursuant to subsection c. of this section.

41

42        3. This act shall take effect immediately but shall remain  
43 inoperative until the 60th day after enactment.

ASSEMBLY COMMERCE, TOURISM, GAMING AND  
MILITARY AND VETERANS' AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2517**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 21, 2000

The Assembly Commerce, Tourism, Gaming and Military and Veterans' Affairs Committee reports favorably a committee substitute for Assembly, No. 2517.

The substitute provides a mechanism by which the Casino Control Commission could formally establish a list of persons who, by acknowledging that they are problem gamblers, voluntarily seek to exclude themselves from casinos and simulcasting facilities.

The substitute requires the commission to promulgate regulations requiring casinos to establish internal controls for removing persons voluntarily on the exclusion list from mailing lists advertising their operation or marketing promotions, and for denying such persons access to check cashing privileges, special club programs and the issuance of credit. The names of persons who voluntarily place themselves on the list will not be open to public inspection.

Finally, the substitute would establish that any person who gambles in a casino or simulcasting facility while legally prohibited from doing so cannot collect winnings or recover losses arising from his or her gambling activity. The winnings and losses will be forfeited to the State, with a portion to be used for problem gambling and treatment prevention programs and the remainder to be deposited into the Casino Revenue Fund.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 2517**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 14, 2000

The Senate Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2517 (ACS).

ACS for A-2517 provides a mechanism by which the Casino Control Commission could formally establish a list of persons who, by acknowledging that they are problem gamblers, voluntarily seek to exclude themselves from casinos and simulcasting facilities.

ACS for A-2517 requires the commission to promulgate regulations requiring casinos to establish internal controls for removing persons voluntarily on the exclusion list from mailing lists advertising their operation or marketing promotions, and for denying such persons access to check cashing privileges, special club programs and the issuance of credit. The names of persons who voluntarily place themselves on the list will not be open to public inspection.

Finally, ACS for A-2517 would establish that any person who gambles in a casino or simulcasting facility while legally prohibited from doing so cannot collect winnings or recover losses arising from his or her gambling activity. The winnings and losses will be forfeited to the State, with a portion to be used for problem gambling and treatment prevention programs and the remainder to be deposited into the Casino Revenue Fund.

The amendments adopted by the committee clarify that the Casino Control Commission may only order the forfeiture of losses obtained by a casino or simulcasting facility from a self-excluded person if the casino or simulcasting facility willfully violated the self-exclusion regulations. The amendments also correct a technical reference in the bill.

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2517**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

ADOPTED SEPTEMBER 21, 2000

**Sponsored by:**

**Assemblyman LEONARD LANCE**

**District 23 (Warren, Hunterdon and Mercer)**

**Assemblyman MICHAEL J. ARNONE**

**District 12 (Monmouth)**

**Co-Sponsored by:**

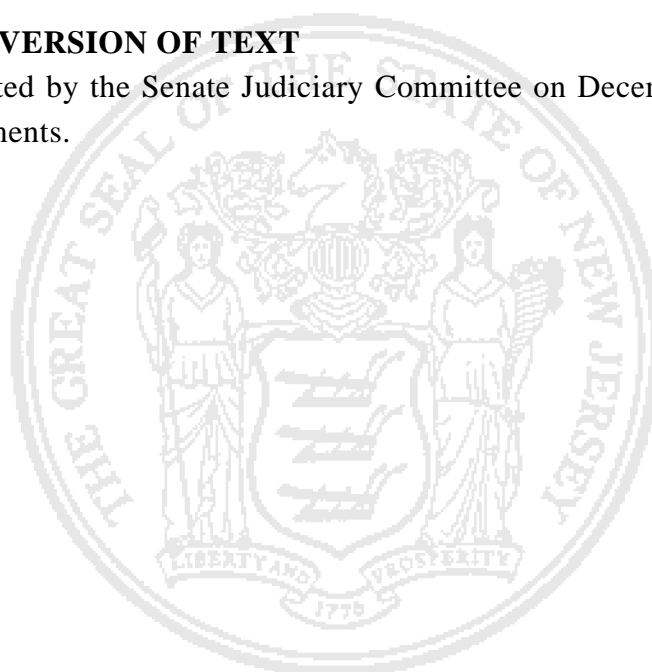
**Assemblyman LeFevre and Assemblywoman Previte**

**SYNOPSIS**

Allows problem gamblers to request placement on Casino Control Commission's list for self-excluded persons.

**CURRENT VERSION OF TEXT**

As reported by the Senate Judiciary Committee on December 14, 2000, with amendments.



**(Sponsorship Updated As Of: 10/6/2000)**

1 AN ACT allowing persons to volunteer for placement on the list of  
2 persons to be excluded from licensed casinos and supplementing  
3 P.L.1977, c.110 (C.5:12-1 et seq.).

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. a. The commission shall provide by regulation for the  
9 establishment of a list of persons self-excluded from gaming activities  
10 at all licensed casinos and simulcasting facilities. Any person may  
11 request placement on the list of self-excluded persons by  
12 acknowledging in a manner to be established by the commission that  
13 the person is a problem gambler and by agreeing that, during any  
14 period of voluntary exclusion, the person may not collect any winnings  
15 or recover any losses resulting from any gaming activity at such  
16 casinos and facilities.

17 b. The regulations of the commission shall establish procedures for  
18 placements on, and removals from, the list of self-excluded persons.  
19 Such regulations shall establish procedures for the transmittal to  
20 licensed casinos and simulcasting facilities of identifying information  
21 concerning self-excluded persons, and shall require licensed casinos  
22 and simulcasting facilities to establish procedures designed, at a  
23 minimum, to remove self-excluded persons from targeted mailings or  
24 other forms of advertising or promotions and deny self-excluded  
25 persons access to credit, complementaries, check cashing privileges  
26 club programs, and other similar benefits.

27 c. A licensed casino or simulcasting facility or employee thereof  
28 shall not be liable to any self-excluded person or to any other party in  
29 any judicial proceeding for any harm, monetary or otherwise, which  
30 may arise as a result of:

31 (1) the failure of a licensed casino or simulcasting facility to  
32 withhold gaming privileges from, or restore gaming privileges to, a  
33 self-excluded person; or

34 (2) otherwise permitting a self-excluded person to engage in  
35 gaming activity in such licensed casino or simulcasting facility while  
36 on the list of self-excluded persons.

37 d. Notwithstanding the provisions of P.L.1977, c.110 (C.5:12-1  
38 et seq.) or any other law to the contrary, the commission's list of self-  
39 excluded persons shall not be open to public inspection.

40 e. A licensed casino or simulcasting facility or employee thereof  
41 shall not be liable to any self-excluded person or to any other party in  
42 any judicial proceeding for any harm, monetary or otherwise, which

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Senate SJU committee amendments adopted December 14, 2000.**

1 may arise as a result of disclosure or publication in any manner, other  
2 than a willfully unlawful disclosure or publication, of the identity of  
3 any self-excluded person.

4  
5 2. a. A person who is prohibited from gaming in a licensed casino  
6 or simulcasting facility by any provision of P.L.1977, c.110 (C.5:12-1  
7 et seq.) or any order of the commission or court of competent  
8 jurisdiction, including any person on the self-exclusion list pursuant to  
9 section 1 of P.L. , c.

10 (C. )(now pending before the Legislature as this bill), shall not  
11 collect, in any manner or proceeding, any winnings or recover any  
12 losses arising as a result of any prohibited gaming activity.

13 b. For the purposes of P.L.1977, c.110 (C.5:12-1 et seq.), any  
14 gaming activity in a licensed casino or simulcasting facility which  
15 results in a prohibited person obtaining any money or thing of value  
16 from, or being owed any money or thing of value by, the casino or  
17 simulcasting facility shall be considered, solely for purposes of this  
18 section, to be a fully executed gambling transaction.

19 c. In addition to any other penalty provided by law, any money or  
20 thing or value which has been obtained by, or is owed to, any  
21 prohibited person by a licensed casino or simulcasting facility as a  
22 result of wagers made by a prohibited person shall be subject to  
23 forfeiture by order of the commission, on complaint of the division,  
24 following notice to the prohibited person and opportunity to be heard.

25 Of any forfeited amount under \$100,000, one-half shall be  
26 deposited into the State General Fund for appropriation by the  
27 Legislature to the Department of Health and Senior Services to  
28 provide funds for compulsive gambling treatment and prevention  
29 programs in the State and the remaining one-half shall be deposited  
30 into the Casino Revenue Fund. Of any forfeited amount of \$100,000  
31 or more, \$50,000 shall be deposited into the State General Fund for  
32 appropriation by the Legislature to the Department of Health and  
33 Senior Services to provide funds for compulsive gambling treatment  
34 and prevention programs and the remainder shall be deposited into the  
35 Casino Revenue Fund.

36 d. In any proceeding brought by the division against a licensee or  
37 registrant pursuant to section 108 of P.L. 1977, c.110 <sup>1</sup>[(C.5:1-108)]  
38 (C.5:12-108)<sup>1</sup> for <sup>1</sup>a willful<sup>1</sup> violation of the commission's self-  
39 exclusion regulations, the commission may order, in addition to any  
40 other sanction authorized by section 129 of P.L. 1977, c.110 (C.5:12-  
41 129), the forfeiture of any money or thing of value obtained by the  
42 licensee or registrant from any self-excluded person. Any money or  
43 thing of value so forfeited shall be disposed of in the same manner as  
44 any money or thing of value forfeited pursuant to subsection c. of this  
45 section.

46 3. This act shall take effect immediately but shall remain

1 inoperative until the 60th day after enactment.



P.L. 2001, CHAPTER 39, *approved March 23, 2001*  
Assembly Committee Substitute (*First Reprint*) for  
Assembly, No. 2517

1 **AN ACT** allowing persons to volunteer for placement on the list of  
2 persons to be excluded from licensed casinos and supplementing  
3 P.L.1977, c.110 (C.5:12-1 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. a. The commission shall provide by regulation for the  
9 establishment of a list of persons self-excluded from gaming activities  
10 at all licensed casinos and simulcasting facilities. Any person may  
11 request placement on the list of self-excluded persons by  
12 acknowledging in a manner to be established by the commission that  
13 the person is a problem gambler and by agreeing that, during any  
14 period of voluntary exclusion, the person may not collect any winnings  
15 or recover any losses resulting from any gaming activity at such  
16 casinos and facilities.

17 b. The regulations of the commission shall establish procedures for  
18 placements on, and removals from, the list of self-excluded persons.  
19 Such regulations shall establish procedures for the transmittal to  
20 licensed casinos and simulcasting facilities of identifying information  
21 concerning self-excluded persons, and shall require licensed casinos  
22 and simulcasting facilities to establish procedures designed, at a  
23 minimum, to remove self-excluded persons from targeted mailings or  
24 other forms of advertising or promotions and deny self-excluded  
25 persons access to credit, complementaries, check cashing privileges  
26 club programs, and other similar benefits.

27 c. A licensed casino or simulcasting facility or employee thereof  
28 shall not be liable to any self-excluded person or to any other party in  
29 any judicial proceeding for any harm, monetary or otherwise, which  
30 may arise as a result of:

31 (1) the failure of a licensed casino or simulcasting facility to  
32 withhold gaming privileges from, or restore gaming privileges to, a  
33 self-excluded person; or

34 (2) otherwise permitting a self-excluded person to engage in  
35 gaming activity in such licensed casino or simulcasting facility while  
36 on the list of self-excluded persons.

37 d. Notwithstanding the provisions of P.L.1977, c.110 (C.5:12-1

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SJU committee amendments adopted December 14, 2000.

1 et seq.) or any other law to the contrary, the commission's list of self-  
2 excluded persons shall not be open to public inspection.

3 e. A licensed casino or simulcasting facility or employee thereof  
4 shall not be liable to any self-excluded person or to any other party in  
5 any judicial proceeding for any harm, monetary or otherwise, which  
6 may arise as a result of disclosure or publication in any manner, other  
7 than a willfully unlawful disclosure or publication, of the identity of  
8 any self-excluded person.

9

10 2. a. A person who is prohibited from gaming in a licensed casino  
11 or simulcasting facility by any provision of P.L.1977, c.110 (C.5:12-1  
12 et seq.) or any order of the commission or court of competent  
13 jurisdiction, including any person on the self-exclusion list pursuant to  
14 section 1 of P.L. , c. (C. )(now pending before the Legislature as  
15 this bill), shall not collect, in any manner or proceeding, any winnings  
16 or recover any losses arising as a result of any prohibited gaming  
17 activity.

18 b. For the purposes of P.L.1977, c.110 (C.5:12-1 et seq.), any  
19 gaming activity in a licensed casino or simulcasting facility which  
20 results in a prohibited person obtaining any money or thing of value  
21 from, or being owed any money or thing of value by, the casino or  
22 simulcasting facility shall be considered, solely for purposes of this  
23 section, to be a fully executed gambling transaction.

24 c. In addition to any other penalty provided by law, any money or  
25 thing or value which has been obtained by, or is owed to, any  
26 prohibited person by a licensed casino or simulcasting facility as a  
27 result of wagers made by a prohibited person shall be subject to  
28 forfeiture by order of the commission, on complaint of the division,  
29 following notice to the prohibited person and opportunity to be heard.

30 Of any forfeited amount under \$100,000, one-half shall be  
31 deposited into the State General Fund for appropriation by the  
32 Legislature to the Department of Health and Senior Services to  
33 provide funds for compulsive gambling treatment and prevention  
34 programs in the State and the remaining one-half shall be deposited  
35 into the Casino Revenue Fund. Of any forfeited amount of \$100,000  
36 or more, \$50,000 shall be deposited into the State General Fund for  
37 appropriation by the Legislature to the Department of Health and  
38 Senior Services to provide funds for compulsive gambling treatment  
39 and prevention programs and the remainder shall be deposited into the  
40 Casino Revenue Fund.

41 d. In any proceeding brought by the division against a licensee or  
42 registrant pursuant to section 108 of P.L. 1977, c.110 <sup>1</sup>[(C.5:1-108)]  
43 (C.5:12-108)<sup>1</sup> for <sup>1</sup>a willful<sup>1</sup> violation of the commission's self-  
44 exclusion regulations, the commission may order, in addition to any  
45 other sanction authorized by section 129 of P.L. 1977, c.110 (C.5:12-  
46 129), the forfeiture of any money or thing of value obtained by the

1 licensee or registrant from any self-excluded person. Any money or  
2 thing of value so forfeited shall be disposed of in the same manner as  
3 any money or thing of value forfeited pursuant to subsection c. of this  
4 section.

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6 3. This act shall take effect immediately but shall remain  
7 inoperative until the 60th day after enactment.

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12 Allows problem gamblers to request placement on Casino Control  
13 Commission's list for self-excluded persons.

## CHAPTER 39

AN ACT allowing persons to volunteer for placement on the list of persons to be excluded from licensed casinos and supplementing P.L.1977, c.110 (C.5:12-1 et seq.).

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

C.5:12-71.2 List of persons self-excluded from gaming activities.

1. a. The commission shall provide by regulation for the establishment of a list of persons self-excluded from gaming activities at all licensed casinos and simulcasting facilities. Any person may request placement on the list of self-excluded persons by acknowledging in a manner to be established by the commission that the person is a problem gambler and by agreeing that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any gaming activity at such casinos and facilities.

b. The regulations of the commission shall establish procedures for placements on, and removals from, the list of self-excluded persons.

Such regulations shall establish procedures for the transmittal to licensed casinos and simulcasting facilities of identifying information concerning self-excluded persons, and shall require licensed casinos and simulcasting facilities to establish procedures designed, at a minimum, to remove self-excluded persons from targeted mailings or other forms of advertising or promotions and deny self-excluded persons access to credit, complementaries, check cashing privileges club programs, and other similar benefits.

c. A licensed casino or simulcasting facility or employee thereof shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any harm, monetary or otherwise, which may arise as a result of:

(1) the failure of a licensed casino or simulcasting facility to withhold gaming privileges from, or restore gaming privileges to, a self-excluded person; or

(2) otherwise permitting a self-excluded person to engage in gaming activity in such licensed casino or simulcasting facility while on the list of self-excluded persons.

d. Notwithstanding the provisions of P.L.1977, c.110 (C.5:12-1 et seq.) or any other law to the contrary, the commission's list of self-excluded persons shall not be open to public inspection.

e. A licensed casino or simulcasting facility or employee thereof shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any harm, monetary or otherwise, which may arise as a result of disclosure or publication in any manner, other than a willfully unlawful disclosure or publication, of the identity of any self-excluded person.

C.5:12-71.3 Penalties for gaming by prohibited persons.

2. a. A person who is prohibited from gaming in a licensed casino or simulcasting facility by any provision of P.L.1977, c.110 (C.5:12-1 et seq.) or any order of the commission or court of competent jurisdiction, including any person on the self-exclusion list pursuant to section 1 of P.L.2001, c.39 (.5:12-71.2), shall not collect, in any manner or proceeding, any winnings or recover any losses arising as a result of any prohibited gaming activity.

b. For the purposes of P.L.1977, c.110 (C.5:12-1 et seq.), any gaming activity in a licensed casino or simulcasting facility which results in a prohibited person obtaining any money or thing of value from, or being owed any money or thing of value by, the casino or simulcasting facility shall be considered, solely for purposes of this section, to be a fully executed gambling transaction.

c. In addition to any other penalty provided by law, any money or thing or value which has been obtained by, or is owed to, any prohibited person by a licensed casino or simulcasting facility as a result of wagers made by a prohibited person shall be subject to forfeiture by order of the commission, on complaint of the division, following notice to the prohibited person and opportunity to be heard.

Of any forfeited amount under \$100,000, one-half shall be deposited into the State General Fund for appropriation by the Legislature to the Department of Health and Senior Services to provide funds for compulsive gambling treatment and prevention programs in the State and the remaining one-half shall be deposited into the Casino Revenue Fund. Of any forfeited amount of \$100,000 or more, \$50,000 shall be deposited into the State General Fund for appropriation by the Legislature to the Department of Health and Senior Services to provide funds for

compulsive gambling treatment and prevention programs and the remainder shall be deposited into the Casino Revenue Fund.

d. In any proceeding brought by the division against a licensee or registrant pursuant to section 108 of P.L.1977, c.110 (C.5:12-108) for a willful violation of the commission's self-exclusion regulations, the commission may order, in addition to any other sanction authorized by section 129 of P.L. 1977, c.110 (C.5:12-129), the forfeiture of any money or thing of value obtained by the licensee or registrant from any self-excluded person. Any money or thing of value so forfeited shall be disposed of in the same manner as any money or thing of value forfeited pursuant to subsection c. of this section.

3. This act shall take effect immediately but shall remain inoperative until the 60th day after enactment.

Approved March 23, 2001.

*Office of the Governor*  
**NEWS RELEASE**

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RELEASE: March 23 , 2001

**DIFRANCESCO SIGNS LEGISLATION INCREASING JURY DUTY COMPENSATION**

Acting Governor Donald T. DiFrancesco today signed the following legislation into law:

**A-601** sponsored by Assemblymembers Joan Quigley (D-Bergen/Hudson), Richard Bagger (R-Middlesex/Morris/Somerset/Union), Anthony Impreveduto (D-Bergen/Hudson), John Gibson (R-Cape May/Atlantic/Cumberland), Kenneth LeFevre (R-Atlantic) and Nia Gill (D-Essex), increases compensation for jurors from \$5 per day to \$40 for each consecutive day of jury service in excess of three days.

"This increase for jurors is long overdue. I fully support fair compensation for the New Jersey citizens fulfilling their jury duty obligation - a key component of our justice system," remarked DiFrancesco.

Jurors already compensated from their employers for jury service are exempt.

**A-2517**, sponsored by Assemblymen Leonard Lance (R-Warren/Hunterdon/Mercer) and Michael Arnone (R-Monmouth) and co-sponsored by Assemblymembers Ken LeFevre (R-Atlantic) and Mary Previte (D-Camden), allows problem gamblers to request placement on the Casino Control Commission's (CCC) list of individuals to be excluded and ejected from any licensed casino or simulcasting facility.

In addition to helping problem gamblers to help themselves, the bill requires the CCC to circulate regulations compelling casinos to establish internal controls for removing voluntarily excluded individuals from mailing lists and for denying access to check-cashing privileges, special club programs and the issuance of credit.

A licensed casino shall not be liable in a court proceeding for any harm, monetary or otherwise, that might arise from the failure of the casino to withhold or restore gambling privileges to a self-excluded person.

**S-82**, sponsored by Raymond Zane (D-Salem/Cumberland/Gloucester), allows duplicate personalized license plates on both owned and leased vehicles.

This bill permits the lessee or owner of a motor vehicle who obtains personalized license plates to obtain a second set of those plates for use on additional vehicles he or she owns or leases. In the past, personalized plates could not be put on leased vehicles.

**S-1577**, sponsored by Senator Gerald Cardinale (R-Bergen) extends a grandfather clause to November 1, 2002 to allow applicants for a master plumber's license to use employment or schooling to satisfy certain newly enacted eligibility requirements.

The State Plumbing License Law was amended in 1998 to require applicants for the master plumbing license examination to complete a four-year apprentice program approved by the Department of Labor (DOL). This legislation extends a prior grandfather clause by four years to allow employment or schooling in a program not approved by DOL to be substituted for a year of the approved apprenticeship program if performed prior to November 1, 2002.

**S-463**, sponsored by Senator Robert Singer (R-Burlington/Monmouth/Ocean), prohibits the use of certain materials to mark property boundaries unless it is clearly visible.

It was introduced in response to a tragic accident in which an all-terrain vehicle operator was killed as a result of driving into a non-visible cable being used as a fence in a wooded area

This legislation makes it a fourth-degree criminal offense to use wire, cable, or other similar devices as fencing material installed at a height under 10 feet, if it is not readily visible to pedestrians, equestrians, bicyclists or off-road vehicle operators, and poses a risk of causing significant bodily injury.