

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 30, 2018
Date

Committee on Business, Labor, & Technology.

After consideration on the merits, the Committee recommends the following:

HB18-1234 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 2, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, 12-47.1-302, amend
3 (1)(n) as follows:

4 **12-47.1-302. Commission - powers and duties.** (1) In addition
5 to any other powers and duties set forth in this part 3, and notwithstanding
6 the designation of the Colorado limited gaming control commission under
7 section 12-47.1-201 as a **type 2** transfer, the commission shall
8 nonetheless have the following powers and duties:

9 (n) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(n)(II)
10 OF THIS SECTION, to inspect and examine without notice all premises
11 wherein limited gaming is conducted or devices or equipment used in
12 limited gaming are located, manufactured, sold, or distributed, and to
13 summarily seize, remove, and impound, without notice or hearing from
14 such premises any equipment, devices, supplies, books, or records for the
15 purpose of examination or inspection.

16 (II) SUBSECTION (1)(n)(I) OF THIS SECTION DOES NOT APPLY TO AN
17 OWNER, OPERATOR, EMPLOYEE, OR CUSTOMER OF A SIMULATED GAMBLING
18 DEVICE, OR OF A BUSINESS OFFERING SIMULATED GAMBLING DEVICES,
19 WHO:

20 (A) CEASED PARTICIPATING IN SUCH ACTIVITY ON OR BEFORE JULY
21 1, 2018; AND

22 (B) PROVIDES CLEAR DOCUMENTATION TO THE DISTRICT
23 ATTORNEY THAT A LAWFUL CONTRACT HAS BEEN ENTERED INTO FOR THE

1 SALE OR TRANSFER OF ALL SIMULATED GAMBLING DEVICES CONNECTED
2 WITH THE ACTIVITY TO A PERSON BY WHOM, OR INTO A JURISDICTION
3 WHERE, THE ACTIVITY IS LAWFUL; AND CONSUMMATES THE CONTRACT BY
4 ACTUALLY SELLING OR TRANSFERRING THE SIMULATED GAMBLING
5 DEVICES WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE CONTRACT WAS
6 ENTERED INTO OR AFTER ANY SIMULATED GAMBLING DEVICES THAT WERE
7 SEIZED, CONFISCATED, OR FORFEITED BY LAW ENFORCEMENT AUTHORITIES
8 HAVE BEEN RETURNED, WHICHEVER OCCURS LATER.

9 **SECTION 2.** In Colorado Revised Statutes, 16-13-303, **amend**
10 (2) as follows:

11 **16-13-303. Class 1 public nuisance.** (2) (a) EXCEPT AS
12 OTHERWISE PROVIDED IN SUBSECTION (2)(b) OF THIS SECTION, all fixtures
13 and contents of any building, structure, vehicle, or real property ~~which~~
14 THAT is a class 1 public nuisance under subsection (1) of this section and
15 all property ~~which~~ THAT is a class 1 public nuisance under subsection
16 (1.5) of this section are subject to seizure, confiscation, and forfeiture as
17 provided in this part 3. In addition, the personal property of every kind
18 and description, including currency and other negotiable instruments and
19 vehicles, used in conducting, maintaining, aiding, or abetting any class 1
20 public nuisance is subject to seizure, confiscation, and forfeiture, as
21 provided in this part 3.

22 (b) SUBSECTION (2)(a) OF THIS SECTION DOES NOT APPLY TO
23 AN OWNER, OPERATOR, EMPLOYEE, OR CUSTOMER OF A SIMULATED
24 GAMBLING DEVICE, OR OF A BUSINESS OFFERING SIMULATED GAMBLING
25 DEVICES, WHO:

26 (I) CEASED PARTICIPATING IN SUCH ACTIVITY ON OR BEFORE JULY
27 1, 2018; AND

28 (II) PROVIDES CLEAR DOCUMENTATION TO THE DISTRICT
29 ATTORNEY THAT:

30 (A) A LAWFUL CONTRACT HAS BEEN ENTERED INTO FOR THE SALE
31 OR TRANSFER OF ALL SIMULATED GAMBLING DEVICES CONNECTED WITH
32 THE ACTIVITY TO A PERSON BY WHOM, OR INTO A JURISDICTION WHERE,
33 THE ACTIVITY IS LAWFUL; AND

34 (B) CONSUMMATES THE CONTRACT BY ACTUALLY SELLING OR
35 TRANSFERRING THE SIMULATED GAMBLING DEVICES WITHIN ONE HUNDRED
36 EIGHTY DAYS AFTER THE CONTRACT WAS ENTERED INTO OR AFTER ANY
37 SIMULATED GAMBLING DEVICES THAT WERE SEIZED, CONFISCATED, OR
38 FORFEITED BY LAW ENFORCEMENT AUTHORITIES HAVE BEEN RETURNED,
39 WHICHEVER OCCURS LATER."

1 Renumber succeeding sections accordingly.

2 Page 4, line 14, strike "(1)(a)" and substitute "(1)(a); and **add (11)**".

3 Page 5, after line 2 insert:

4 "(11) THIS SECTION DOES NOT APPLY TO AN OWNER, OPERATOR,
5 EMPLOYEE, OR CUSTOMER OF A SIMULATED GAMBLING DEVICE, OR OF A
6 BUSINESS OFFERING SIMULATED GAMBLING DEVICES, WHO:

7 (a) CEASED PARTICIPATING IN SUCH ACTIVITY ON OR BEFORE JULY
8 1, 2018; AND

9 (b) PROVIDES CLEAR DOCUMENTATION TO THE DISTRICT
10 ATTORNEY THAT:

11 (I) A LAWFUL CONTRACT HAS BEEN ENTERED INTO FOR THE SALE
12 OR TRANSFER OF ALL SIMULATED GAMBLING DEVICES CONNECTED WITH
13 THE ACTIVITY TO A PERSON BY WHOM, OR INTO A JURISDICTION WHERE,
14 THE ACTIVITY IS LAWFUL; AND

15 (II) CONSUMMATES THE CONTRACT BY ACTUALLY SELLING OR
16 TRANSFERRING THE SIMULATED GAMBLING DEVICES WITHIN ONE HUNDRED
17 EIGHTY DAYS AFTER THE CONTRACT WAS ENTERED INTO OR AFTER ANY
18 SIMULATED GAMBLING DEVICES THAT WERE SEIZED, CONFISCATED, OR
19 FORFEITED BY LAW ENFORCEMENT AUTHORITIES HAVE BEEN RETURNED,
20 WHICHEVER OCCURS LATER."

** ** ** ** **