**A** **BILL**

TO AMEND SECTION 16‑19‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNLAWFUL GAMES AND BETTING, SO AS TO CLARIFY THE ACTIVITIES THAT ARE UNLAWFUL GAMBLING, TO AMEND THE PENALTIES TO BE THE SAME OR SIMILAR, AND TO CREATE AN EXCEPTION FOR SOCIAL GAMING AND FOR CASINO NIGHT EVENTS CONDUCTED AS A FUNDRAISING ACTIVITY OF LIMITED DURATION BY A NONPROFIT ORGANIZATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 16‑19‑40 of the 1976 Code is amended to read:

“Section 16‑19‑40. ~~If any person shall play at any tavern, inn, store for the retailing of spirituous liquors or in any house used as a place of gaming, barn, kitchen, stable or other outhouse, street, highway, open wood, race field or open place at (a) any game with cards or dice, (b) any gaming table, commonly called A, B, C, or E, O, or any gaming table known or distinguished by any other letters or by any figures, (c) any roley‑poley table, (d) rouge et noir, (e) any faro bank (f) any other table or bank of the same or the like kind under any denomination whatsoever or (g) any machine or device licensed pursuant to Section 12‑21‑2720 and used for gambling purposes, except the games of billiards, bowls, backgammon, chess, draughts, or whist when there is no betting on any such game of billiards, bowls, backgammon, chess, draughts, or whist or shall bet on the sides or hands of such as do game, upon being convicted thereof, before any magistrate, shall be imprisoned for a period of not over thirty days or fined not over one hundred dollars, and every person so keeping such tavern, inn, retail store, public place, or house used as a place for gaming or such other house shall, upon being convicted thereof, upon indictment, be imprisoned for a period not exceeding twelve months and forfeit a sum not exceeding two thousand dollars, for each and every offense.~~

(A) If a person plays for gambling purposes at a tavern, bar, restaurant, inn, or store that sells alcoholic liquors, wine, or beer or in a house, barn, kitchen, stable, or other outlying building, street, highway, open wood, race field, or open place used as a place of gambling at:

(1) a game with cards or dice;

(2) a gaming table, including, but not limited to, ones commonly called A. B. C. or E. O, a roulette table, a roley‑poley table, a rouge et noir table, a faro bank, or other table or bank of the same or similar kind labeled under any denomination; or

(3) a machine or device licensed pursuant to Section 12‑21‑2720 and used for gambling purposes,

then the individual, upon conviction, shall be fined not more than one hundred dollars or imprisoned for not more than thirty days, or both.

(B) A person who is present, places bets, or bets on the side or on the hands of anyone who plays for gambling purposes pursuant to the provisions of subsection (A) shall, upon conviction, be fined not more than one hundred dollars or imprisoned for not more than thirty days, or both.

(C) A person who keeps a tavern, inn, retail store, public place, or house used for gambling purposes, or any other building of this kind, pursuant to the provisions of subsection (A) shall, upon conviction, be fined not less than two hundred dollars and not more than five hundred dollars, or imprisoned for not more than thirty days, or both.

(D) Games of cards or dice, billiards, bowls, backgammon, chess, draughts, or whist, when there is no betting and when there are no awards for cash, prizes, or additional play, are exempted from the provisions of subsection (A).

(E) Gambling in a private home where no house player, house bank, or house odds exist and where there is no house income from the operation of the game is social gambling and is an affirmative defense to the provisions of subsection (A).

(F) A charitable, religious, fraternal or other nonprofit organization that is exempt from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 501(c)(19) because it is organized and operated exclusively for charitable, religious, fraternal or nonprofit purposes may conduct or participate in a casino night fundraising event of limited duration during which wagers may be made in gambling activities, but shall not include events with slot machines, electronic video gaming devices, wagering on live sporting events, or simulcast broadcasts of horse races, if the following requirements are met:

(1) the qualifying organization must apply to the Department of Revenue for a casino night permit on a form prescribed and furnished by the Department of Revenue, which shall require:

(a) the name and address of the applicant;

(b) the name and address of the applicant’s officers or directors;

(c) the location, date, and the time at which the applicant will conduct the casino night;

(d) the ticket price per person, which shall not exceed one hundred dollars;

(e) sufficient evidence concerning the structure and operation of the organization to enable the department to determine whether the applicant meets the charitable, religious, fraternal, or nonprofit criteria; and

(f) other relevant information requested by the department;

(2) an application fee of thirty dollars must accompany the application;

(3) no merchandize prize shall be purchased and no cash prize shall be offered that exceeds the gross receipts collected by the applicant;

(4) all net receipts must be applied to the charitable, religious, fraternal, or nonprofit purposes of the applicant, and no expenses, charges, fees or deductions for manufacturers, distributors, or persons conducting the casino night event shall be authorized; and

(5) the applicant has no pending investigations or convictions pursuant to this section.

(G) The officers or directors of an organization who violate the provisions of a casino night event shall, upon conviction, be fined not less than two hundred dollars and not more than five hundred dollars, or imprisoned for not more than thirty days, or both. Further, an organization convicted of a violation pursuant to this section shall be prohibited from applying for a casino night event until no less than twenty-four months have passed since the date of the conviction.

(H) For purposes of this section:

(1) ‘Gross receipts’ means all moneys collected or received from the conduct of the casino night event;

(2) ‘Adjusted gross receipts’ means gross receipts less all cash prizes and purchase prices for merchandise prizes; and

(3) ‘Net receipts’ means adjusted gross receipts less all expenses, charges, fees and deductions authorized under this section.”

SECTION 2. This act takes effect upon approval by the Governor.

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