

As Introduced

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H. B. No. 115

Representative Williams, B.

**Cosponsors: Representatives Seitz, Domenick, Yuko, Dodd, Ujvagi, Luckie,
Sayre, Koziura, Strahorn**

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A B I L L

To amend sections 2915.02 and 2915.092 of the Revised 1
Code to allow a charitable organization to conduct 2
games of chance and raffles three times per year 3
at certain food service facilities. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2915.02 and 2915.092 of the Revised 5
Code be amended to read as follows: 6

Sec. 2915.02. (A) No person shall do any of the following: 7

(1) Engage in bookmaking, or knowingly engage in conduct that 8
facilitates bookmaking; 9

(2) Establish, promote, or operate or knowingly engage in 10
conduct that facilitates any game of chance conducted for profit 11
or any scheme of chance; 12

(3) Knowingly procure, transmit, exchange, or engage in 13
conduct that facilitates the procurement, transmission, or 14
exchange of information for use in establishing odds or 15
determining winners in connection with bookmaking or with any game 16
of chance conducted for profit or any scheme of chance; 17

(4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood; 18
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(5) With purpose to violate division (A)(1), (2), (3), or (4) of this section, acquire, possess, control, or operate any gambling device. 20
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(B) For purposes of division (A)(1) of this section, a person facilitates bookmaking if the person in any way knowingly aids an illegal bookmaking operation, including, without limitation, placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of division (A)(2) of this section, a person facilitates a game of chance conducted for profit or a scheme of chance if the person in any way knowingly aids in the conduct or operation of any such game or scheme, including, without limitation, playing any such game or scheme. 23
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(C) This section does not prohibit conduct in connection with gambling expressly permitted by law. 32
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(D) This section does not apply to any of the following: 34

(1) Games of chance, if all of the following apply: 35

(a) The games of chance are not craps for money or roulette for money. 36
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(b) The games of chance are conducted by a charitable organization that is, and has received from the internal revenue service a determination letter that is currently in effect, stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code. 38
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(c) The games of chance are conducted at festivals of the charitable organization that are conducted either for a period of four consecutive days or less and not more than twice a year or for a period of five consecutive days not more than once a year, 44
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and are conducted on premises owned by the charitable organization 48
for a period of no less than one year immediately preceding the 49
conducting of the games of chance, on premises leased from a 50
governmental unit, or on premises that are leased from a veteran's 51
or fraternal organization and that have been owned by the lessor 52
veteran's or fraternal organization for a period of no less than 53
one year immediately preceding the conducting of the games of 54
chance. 55

A charitable organization shall not lease premises from a 56
veteran's or fraternal organization to conduct a festival 57
described in division (D)(1)(c) of this section if the veteran's 58
or fraternal organization already has leased the premises four 59
times during the preceding year to charitable organizations for 60
that purpose. If a charitable organization leases premises from a 61
veteran's or fraternal organization to conduct a festival 62
described in division (D)(1)(c) of this section, the charitable 63
organization shall not pay a rental rate for the premises per day 64
of the festival that exceeds the rental rate per bingo session 65
that a charitable organization may pay under division (B)(1) of 66
section 2915.09 of the Revised Code when it leases premises from 67
another charitable organization to conduct bingo games. 68

(d) All of the money or assets received from the games of 69
chance after deduction only of prizes paid out during the conduct 70
of the games of chance are used by, or given, donated, or 71
otherwise transferred to, any organization that is described in 72
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 73
Revenue Code and is either a governmental unit or an organization 74
that is tax exempt under subsection 501(a) and described in 75
subsection 501(c)(3) of the Internal Revenue Code; 76

(e) The games of chance are not conducted during, or within 77
ten hours of, a bingo game conducted for amusement purposes only 78
pursuant to section 2915.12 of the Revised Code. 79

No person shall receive any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, for operating or assisting in the operation of any game of chance.

(2) Any tag fishing tournament operated under a permit issued under section 1533.92 of the Revised Code, as "tag fishing tournament" is defined in section 1531.01 of the Revised Code;

(3) Bingo conducted by a charitable organization that holds a license issued under section 2915.08 of the Revised Code.

(4)(a) Games of chance, if all of the following apply:

(i) The games of chance are not craps for money or roulette for money.

(ii) The games of chance are conducted by a charitable organization that is, and has received from the internal revenue service a determination letter that is currently in effect, stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code.

(iii) The charitable organization described in division (D)(4)(b) of this section conducts the games of chance on the premises of a restaurant or on the premises of a business whose primary purpose is catering and food service for not more than five hundred people per room on the premises, the charitable organization leases premises of that type not more than three times a year for that purpose and for a period of one day each time it leases the premises, and the restaurant or business has been owned by the person who enters into the lease with the charitable organization for a period of not less than six months immediately preceding the conducting of the games of chance under the lease.

If a charitable organization leases premises from a

restaurant or business whose primary purpose is catering and food 111
service for not more than five hundred people to conduct games of 112
chance, the charitable organization shall not pay a rental rate 113
for the premises that exceeds the rental rate per bingo session 114
that a charitable organization may pay under division (B)(1) of 115
section 2915.09 of the Revised Code when it leases premises from 116
another charitable organization to conduct bingo games. 117

(iv) All of the money or assets received from the games of 118
chance after deduction only of prizes paid out during the conduct 119
of the games of chance are used by, or given, donated, or 120
otherwise transferred to, any organization that is described in 121
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 122
Revenue Code and is either a governmental unit or an organization 123
that is tax exempt under subsection 501(a) and described in 124
subsection 501(c)(3) of the Internal Revenue Code. 125

(v) The games of chance are not conducted during, or within 126
ten hours of, a bingo game conducted for amusement purposes only 127
pursuant to section 2915.12 of the Revised Code. 128

(b) No person shall receive any commission, wage, salary, 129
reward, tip, donation, gratuity, or other form of compensation, 130
directly or indirectly, for operating or assisting in the 131
operation of any game of chance in accordance with division 132
(D)(4)(a) of this section. 133

(E) Division (D) of this section shall not be construed to 134
authorize the sale, lease, or other temporary or permanent 135
transfer of the right to conduct games of chance, as granted by 136
that division, by any charitable organization that is granted that 137
right. 138

(F) Whoever violates this section is guilty of gambling, a 139
misdemeanor of the first degree. If the offender previously has 140
been convicted of any gambling offense, gambling is a felony of 141

the fifth degree. 142

Sec. 2915.092. (A)(1) Subject to division (A)(2) of this 143
section, a charitable organization, a public school, a chartered 144
nonpublic school, a community school, or a veteran's organization, 145
fraternal organization, or sporting organization that is exempt 146
from federal income taxation under subsection 501(a) and is 147
described in subsection 501(c)(3), 501(c)(4), 501(c)(7), 148
501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code 149
may conduct a raffle to raise money for the organization or school 150
and does not need a license to conduct bingo in order to conduct a 151
raffle drawing that is not for profit. 152

(2) If a charitable organization that is described in 153
division (A)(1) of this section, but that is not also described in 154
subsection 501(c)(3) of the Internal Revenue Code, conducts a 155
raffle, the charitable organization shall distribute at least 156
fifty per cent of the net profit from the raffle to a charitable 157
purpose described in division (Z) of section 2915.01 of the 158
Revised Code or to a department or agency of the federal 159
government, the state, or any political subdivision. 160

(B) Except as provided in division (A) or ~~(B)~~(C) of this 161
section, no person shall conduct a raffle drawing that is for 162
profit or a raffle drawing that is not for profit. 163

(C) A charitable organization that is exempt from federal 164
income taxation under subsection 501(a) and is described in 165
subsection 501(c)(3) of the Internal Revenue Code may conduct a 166
raffle to raise money for the organization or a raffle drawing 167
that is not for profit on the premises of a restaurant or on the 168
premises of a business whose primary purpose is catering and food 169
service for not more than five hundred people per room on the 170
premises. The charitable organization may lease premises of that 171
type not more than three times a year for that purpose and for a 172

period of one day each time it leases the premises. The restaurant 173
or business shall have been owned by the person who enters into 174
the lease with the charitable organization for a period of not 175
less than six months immediately preceding the conducting of the 176
raffle drawing for profit or the raffle drawing that is not for 177
profit under the lease. 178

If the charitable organization leases premises from a 179
restaurant or business whose primary purpose is catering and food 180
service for not more than five hundred people to conduct a raffle 181
drawing for profit or to conduct a raffle drawing that is not for 182
profit, the charitable organization shall not pay a rental rate 183
for the premises that exceeds the rental rate per bingo session 184
that a charitable organization may pay under division (B)(1) of 185
section 2915.09 of the Revised Code when it leases premises from 186
another charitable organization to conduct bingo games. 187

(D) Whoever violates division (B) of this section is guilty 188
of illegal conduct of a raffle. Except as otherwise provided in 189
this division, illegal conduct of a raffle is a misdemeanor of the 190
first degree. If the offender previously has been convicted of a 191
violation of division (B) of this section, illegal conduct of a 192
raffle is a felony of the fifth degree. 193

Section 2. That existing sections 2915.02 and 2915.092 of the 194
Revised Code are hereby repealed. 195