HOUSE DOCKET, NO. 3167 FILED ON: 1/21/2011

HOUSE . . . . . No. 2813

The Commonwealth of Massachusetts

PRESENTED BY:

Cheryl A. Coakley-Rivera

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act prohibiting cyber café sweepstakes .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cheryl A. Coakley-Rivera	*10th Hampden*
Benjamin Swan	*11th Hampden*

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By Ms. Coakley-Rivera of Springfield, a petition (accompanied by bill, House, No. 2813) of Cheryl A. Coakley-Rivera and Benjamin Swan for legislation to impose a penalty for operating electronic cyber café, so-called, sweepstakes. The Judiciary.

The Commonwealth of Massachusetts

An Act prohibiting cyber café sweepstakes .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 271 of the General Laws is hereby amended by inserting after section 50 the following section:-

Section 51. (a)For the purposes of this section, the following definitions apply:

(1) "Electronic machine or device" means a mechanically, electrically or electronically operated machine or device, that is owned, leased or otherwise possessed by a sweepstakes sponsor or promoter, or any of the sweepstakes sponsor's or promoter's partners, affiliates, subsidiaries or contractors, that is intended to be used by a sweepstakes entrant, that uses energy, and that is capable of displaying information on a screen or other mechanism. This section is applicable to an electronic machine or device whether or not:

(i) It is server-based.

(ii) It uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.

(iii) It utilizes software such that the simulated game influences or determines the winning or value of the prize.

(iv) It selects prizes from a predetermined finite pool of entries.

(v) It utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.

(vi) It predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.

(vii) It utilizes software to create a game result.

(viii) It requires deposit of any money, coin, or token, or the use of any credit card, debit card, prepaid card, or any other method of payment to activate the electronic machine or device.

(ix) It requires direct payment into the electronic machine or device, or remote activation of the electronic machine or device.

(x) It requires purchase of a related product.

(xi) The related product, if any, has legitimate value.

(xii) It reveals the prize incrementally, even though it may not influence if a prize is awarded or the value of any prize awarded.

(xiii) It determines and associates the prize with an entry or entries at the time the sweepstakes is entered.

(xiv) It is a slot machine or other form of electrical, mechanical, or computer game.

(2) "Enter" or "entry" means the act or process by which a person becomes eligible to receive any prize offered in a sweepstakes.

(3) "Entertaining display" means visual information, capable of being seen by a sweepstakes entrant, that takes the form of actual game play, or simulated game play, such as, by way of illustration and not exclusion:

(i) A video poker game or any other kind of video playing card game.

(ii) A video bingo game.

(iii) A video craps game.

(iv) A video keno game.

(v) A video lotto game.

(vi) Eight liner.

(vii) Pot-of-gold.

(viii) A video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols not dependent on the skill or dexterity of the player.

(ix) Any other video game not dependent on skill or dexterity that is played while revealing a prize as the result of an entry into a sweepstakes.

49 (4) “Prize” means any gift, award, gratuity, good, service, credit, or anything else of
50 value, which may be transferred to a person, whether possession of the prize is actually
51 transferred, or placed on an account or other record as evidence of the intent to transfer the prize.

52 (5) “Sweepstakes” means any game, advertising scheme or plan, or other promotion,
53 which, with or without payment of any consideration, a person may enter to win or become
54 eligible to receive any prize, the determination of which is based upon chance.

55 (b) Notwithstanding any other provision of the general laws, it shall be unlawful for
56 any person to operate, or place into operation, an electronic machine or device to do either of the
57 following:

58 (1) Conduct a sweepstakes through the use of an entertaining display, including the
59 entry process or the reveal of a prize.

60 (2) Promote a sweepstakes that is conducted through the use of an entertaining
61 display, including the entry process or the reveal of a prize.

62 (c) It is the intent of this section to prohibit any mechanism that seeks to avoid
63 application of this section through the use of any subterfuge or pretense whatsoever.

64 (d) Nothing in this section shall be construed to make illegal any activity which is
65 lawfully conducted on pursuant to, and in accordance with, section 27A of chapter 10.

66 (e) Each violation of this section shall be considered a separate offense.

67 (f) Any person who violates this section shall, for the first offence, be punished by a
68 fine of not more than $3000, be imprisoned in a jail or house of correction for not more than 1
69 year, or both; and for a subsequent offence shall be imprisoned in a state prison for not more than
70 3 years.