



SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 164 be amended to read as follows:

- 1 Page 1, delete lines 13 through 16.
2 Page 3, delete lines 9 through 42, begin a new paragraph and insert:
3 "SECTION 14. IC 35-45-5-1, AS AMENDED BY P.L.3-2008,
4 SECTION 252, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) The definitions in this section
6 apply throughout this chapter.
7 (b) "Electronic gaming device" means any electromechanical
8 device, electrical device, or machine that satisfies at least one (1) of the
9 following requirements:
10 (1) It is a contrivance which for consideration affords the player
11 an opportunity to obtain money or other items of value, the award
12 of which is determined by chance even if accomplished by some
13 skill, whether or not the prize is automatically paid by the
14 contrivance.
15 (2) It is a slot machine or any simulation or variation of a slot
16 machine.
17 (3) It is a matchup or lineup game machine or device operated for
18 consideration, in which two (2) or more numerals, symbols,
19 letters, or icons align in a winning combination on one (1) or
20 more lines vertically, horizontally, diagonally, or otherwise,
21 without assistance by the player. The use of a skill stop is not
22 considered assistance by the player.
23 (4) It is a video game machine or device operated for
24 consideration to play poker, blackjack, any other card game, keno,
25 or any simulation or variation of these games, including any game
26 in which numerals, numbers, pictures, representations, or symbols
27 are used as an equivalent or substitute for the cards used in these

1 games.

2 The term does not include a toy crane machine or any other device
3 played for amusement that rewards a player exclusively with a toy, a
4 novelty, candy, other noncash merchandise, or a ticket or coupon
5 redeemable for a toy, a novelty, or other noncash merchandise that has
6 a wholesale value of not more than the lesser of ten (10) times the
7 amount charged to play the amusement device one (1) time or
8 twenty-five dollars (\$25).

9 (c) "Gain" means the direct realization of winnings.

10 (d) "Gambling" means risking money or other property for gain,
11 contingent in whole or in part upon lot, chance, or the operation of a
12 gambling device, but it does not include participating in:

13 (1) bona fide contests of skill, speed, strength, or endurance in
14 which awards are made only to entrants or the owners of entries;
15 or

16 (2) bona fide business transactions that are valid under the law of
17 contracts.

18 (e) "Gambling device" means:

19 (1) a mechanism by the operation of which a right to money or
20 other property may be credited, in return for consideration, as the
21 result of the operation of an element of chance;

22 (2) a mechanism that, when operated for a consideration, does not
23 return the same value or property for the same consideration upon
24 each operation;

25 (3) a mechanism, furniture, fixture, construction, or installation
26 designed primarily for use in connection with professional
27 gambling;

28 (4) a policy ticket or wheel; or

29 (5) a subassembly or essential part designed or intended for use
30 in connection with such a device, mechanism, furniture, fixture,
31 construction, or installation.

32 In the application of this definition, an immediate and unrecorded right
33 to replay mechanically conferred on players of pinball machines and
34 similar amusement devices is presumed to be without value.

35 (f) "Gambling information" means:

36 (1) a communication with respect to a wager made in the course
37 of professional gambling; or

38 (2) information intended to be used for professional gambling.

39 (g) "Interactive computer service" means an Internet service, an
40 information service, a system, or an access software provider that
41 provides or enables computer access to a computer served by multiple
42 users. The term includes the following:

43 (1) A service or system that provides access or is an intermediary
44 to the Internet.

45 (2) A system operated or services offered by a library, school,
46 state educational institution, or private postsecondary educational

- 1 institution.
- 2 (h) "Operator" means a person who owns, maintains, or operates an
3 Internet site that is used for interactive gambling.
- 4 **(i) "Private low stakes card game" means gambling to which all**
5 **of the following apply:**
- 6 **(1) The gambling is in the form of a card game played with**
7 **physical cards.**
- 8 **(2) If the card game is a banking game, each player takes**
9 **turns acting as the banker.**
- 10 **(3) No person receives a fixed share or percentage of the**
11 **stakes.**
- 12 **(4) The gambling does not involve the use of an electronic**
13 **gaming device, an electronic version of a card game, or the**
14 **Internet.**
- 15 **(5) The gambling occurs in a private residence and is not open**
16 **to the public.**
- 17 **(6) Not more than twelve (12) players participate.**
- 18 **(7) The maximum amount of gambling losses that a player**
19 **may incur is two hundred dollars (\$200) in a twenty-four (24)**
20 **hour period. For purposes of this subdivision, a player's**
21 **gambling gains or losses are determined by comparing the**
22 **amount of money wagered by the player during the course of**
23 **the gambling to the amount that the player takes from the**
24 **gambling event at the end of the period.**
- 25 **(8) The gambling occurs at a particular residence not more**
26 **than four (4) times per calendar month.**
- 27 **(j) "Professional gambling" does not include a private low**
28 **stakes card game.**
- 29 **(k)** "Profit" means a realized or unrealized benefit (other than a
30 gain) and includes benefits from proprietorship or management and
31 unequal advantage in a series of transactions.
- 32 **(l)** "Tournament" means a contest in which:
- 33 (1) the consideration to enter the contest may take the form of a
34 separate entry fee or the deposit of the required consideration to
35 play in any manner accepted by the:
- 36 (A) video golf machine; or
37 (B) pinball machine or similar amusement device described in
38 subsection ~~(m)(2)~~; **(o)(2)**;
39 on which the entrant will compete;
- 40 (2) each player's score is recorded; and
41 (3) the contest winner and other prize winners are determined by
42 objectively comparing the recorded scores of the competing
43 players.
- 44 **(m)** "Toy crane machine" means a device that is used to lift
45 prizes from an enclosed space by manipulating a mechanical claw.
- 46 **(n)** For purposes of this chapter:

- 1 (1) a card game; or
- 2 (2) an electronic version of a card game;
- 3 is a game of chance and may not be considered a bona fide contest of
- 4 skill.
- 5 ~~(m)~~ (o) In the application of the definition of gambling set forth in
- 6 subsection (d), the payment of consideration to participate in a
- 7 tournament conducted on:
- 8 (1) video golf games; or
- 9 (2) pinball machines and similar amusement devices that award
- 10 no prizes other than to mechanically confer an immediate and
- 11 unrecorded right to replay on players that is presumed to be
- 12 without value under this section;
- 13 is not considered gambling even if the value of a prize awarded in the
- 14 course of the tournament exceeds the amount of the player's
- 15 consideration."
- 16 Delete pages 4 through 5.
- 17 Page 6, delete lines 1 through 21.
- 18 Page 6, delete lines 35 through 42.
- 19 Page 7, delete lines 1 through 2.
- 20 Renumber all SECTIONS consecutively.
- (Reference is to SB 164 as printed February 3, 2023.)

Senator YOUNG M