



## BILL SUMMARY

<b><u>COMMITTEE:</u></b>	Gaming Oversight	<b><u>DATE:</u></b>	5/12/08
<b><u>PRIME SPONSOR:</u></b>	Marsico	<b><u>BILL NO.:</u></b>	HB 2389
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### A. **SYNOPSIS:**

Creates a free standing act, known as the Commonwealth Law Enforcement Gaming Regulation Act. The bill transfers the functions and personnel of the Bureau of Investigations and Enforcement (BIE) within the PA Gaming Control Board to the Gaming Enforcement Office within the PA State Police (PSP). The PSP will thus be responsible for the background investigations and enforcement required under the Pennsylvania Race Horse Development and Gaming Act (Title 4, Sections 1101 et seq).

### B. **SUMMARY OF THE BILL:**

House Bill 2389 transfers the powers, duties, and authority currently vested in the Bureau of Investigations and Enforcement (BIE) of the PA Gaming Control Board (PGCB) to the existing Gaming Enforcement Office within the PSP. The transfer includes personnel, equipment, records, contracts and appropriations.

In addition, the bill transfers the existing functions and duties of the PGCB's Office of Enforcement Counsel to the PSP, and directs the PSP Commissioner to select a director for such office.

House Bill 2389 also establishes that:

- PSP members assigned to the Gaming Enforcement Office will not be counted toward the current PSP complement; and
- expenses of and relating to the Gaming Enforcement Office will be considered reimbursable under the Gaming Act without requiring PGCB approval.

Effective date: 60 days.

### **C. SUMMARY OF RELEVANT EXISTING LAW:**

Section 1517(a.1) of Title 4 establishes a Bureau of Investigations and Enforcement (BIE) which is independent of the PGCB in matters relating to enforcement. The BIE has the powers and duties of investigation and reviews all applicants and applications for a license, permit or registration; monitors gaming operations to ensure compliance with the Gaming Act; inspects and examines licensed entities; conducts audits of a licensed entity as necessary to ensure compliance; refers possible criminal violations to the PSP (as the BIE does not have the power of arrest); and cooperates in the investigation and prosecution of criminal violations related to the Gaming Act.

Section 1517(a.2) establishes an Office of Enforcement Counsel (OEC), which acts as the prosecutor in all noncriminal enforcement actions initiated by BIE. The OEC advises the BIE on all matters, including the granting of licenses, permits or registrations, the conducting of background investigations, audits and inspections and the investigation of potential violations. The OEC files recommendations and objections relating to the issuance of licenses, permits and registrations on behalf of the BIE.

Currently, the PGCB chooses the director of the OEC.

The PSP have the power to conduct background investigations on persons as directed by the PGCB. The PSP can initiate proceedings for criminal violations; provide the PGCB with all information necessary for all actions, involving criminal enforcement; and exchange fingerprint data with, and receive national criminal history record information from, the FBI for use in investigating applications for any license or permit.

Section 1202 (b) (10) allows the PGCB to enter into an agreement with the PSP for the reimbursement of actual costs as approved by the PGCB to the PSP for the investigations.