

HOUSE BILL NO. 218
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on General Laws and Technology
on _____)
(Patron Prior to Substitute—Delegate McQuinn)

A BILL to amend and reenact §§ 58.1-4118 through 58.1-4121 of the Code of Virginia, relating to casino gaming; consideration of service permit applications.

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-4118 through 58.1-4121 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-4118. Service permit required.

No person shall participate in any gaming operation as a casino gaming employee or concessionaire or employee of either or in any other occupation that the Board has determined necessary to regulate in order to ensure the integrity of casino gaming in the Commonwealth unless such person possesses a service permit to perform such occupation issued by the Board. The Board shall prescribe by regulation the criteria for the issuance, ~~duration~~, and renewal of service permits. *Such service permits shall be renewed by the Board every 10 years.*

Persons between the ages of 18 and 21 may be issued a service permit for positions in nongaming areas that allow such persons to traverse the gaming floor, while on duty. Such service permits shall be renewed by the Board annually.

§ 58.1-4119. Application for service permit.

A. Any person desiring to obtain a service permit as required by this chapter shall apply on a form prescribed by the Department. *Such form shall include, at a minimum, additional space for an applicant to include a written narrative detailing previous criminal charges, criminal convictions, notable nefarious activity, or any redemptive actions or rehabilitation taken on the part of the applicant, as well as an option to attach character references.* The application shall be accompanied by a *refundable* fee prescribed by the Department. Such fees shall be deposited by the Department into the Gaming Regulatory Fund established pursuant to § 58.1-4048.

B. Any application filed hereunder shall be verified by the oath or affirmation of the applicant.

§ 58.1-4120. Consideration of service permit application.

A. The Department shall promptly consider any application for a service permit and, *within 30 business days*, issue or deny such service permit on the basis of the information in the application and all other

information provided, including *information in the written narrative and* any investigation it considers appropriate. *Failure to include a written narrative may lead to denial of a service permit application.* If an application for a service permit is approved, the Department shall issue a service permit containing such information as the Department considers appropriate.

B. The Department shall deny the application and refuse to issue the service permit, which denial shall be final unless an appeal is taken under § 58.1-4105, if it finds that the issuance of such service permit to such applicant would not be in the best interests of the Commonwealth or would reflect negatively on the honesty and integrity of casino gaming in the Commonwealth or that the applicant:

1. Has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information requested by the Department;

2. Is or has been guilty of any corrupt or fraudulent practice or conduct in connection with gaming operations in the Commonwealth or any other state;

3. Has knowingly failed to comply with the provisions of this chapter or the regulations promulgated hereunder;

4. Has, *within the three years immediately preceding the date of the application for the service permit sought*, had a service permit to engage in activity related to casino gaming denied for cause, suspended, or revoked in the Commonwealth or any other state, and such denial, suspension, or revocation is still in effect;

5. Is unqualified to perform the duties required for the service permit sought; or

6. Has, *within the eight years immediately preceding the date of the application for the service permit sought*, been convicted of a misdemeanor or felony involving unlawful conduct of wagering, fraudulent use of a gaming credential, unlawful transmission of information, touting, bribery, embezzlement, distribution or possession of drugs, excluding misdemeanor possession of marijuana, or any crime considered by the Department to be detrimental to the honesty and integrity of casino gaming in the Commonwealth, *and has failed to attach the written narrative during the application process in accordance with § 58.1-4119, for full consideration and explanation of the facts.*

C. The Department may refuse to issue a service permit if for any reason it determines the granting of such service permit is not consistent with the provisions of this chapter or its responsibilities or any regulations promulgated by any other agency of the Commonwealth.

D. *If the Department denies or otherwise refuses to issue a service permit pursuant to this section, it shall provide the applicant and any payee on behalf of the applicant, if applicable, with the reasons for denial. The*

Department may refund the application fee in full or in part to such applicant or payee within 30 days of an appealed denial.

§ 58.1-4121. Suspension or revocation of service permit; civil penalty.

A. The Director may suspend, revoke, refuse to renew, or assess a civil penalty against the holder of a service permit in a sum not to exceed \$10,000, after notice and a hearing. Such service permit may, however, be temporarily suspended by the Director, *with the Board's approval*, without prior notice, pending any prosecution, hearing, or investigation, whether by a third party or by the Director. A service permit may be suspended, revoked, or refused renewal by the Director for one or more of the following reasons:

1. Failure to comply with, or violation of, any provision of this chapter or any regulation or condition of the Department;

2. Failure to disclose facts during the application process that indicate that such service permit should not have been issued;

3. Conviction of a felony under the laws of the Commonwealth or any other state or of the United States subsequent to issuance of a service permit;

4. Failure to file any return or report, keep any record, or pay any fees or other charges required by this chapter;

5. Any act of fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the integrity of gaming operations;

6. A material change, since issuance of the service permit, with respect to any matters required to be considered by the Director under this chapter; or

7. Other factors established by Department regulation.

B. Actions taken by the Director pursuant to this section shall be final unless appealed in accordance with § 58.1-4105. Suspension or revocation of a service permit for any violation shall not preclude criminal liability for such violation.