

JAN 22 2016

A BILL FOR AN ACT

RELATING TO FANTASY COMPETITIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 712, Hawaii Revised Statutes, is
2 amended by adding a new section to part III to be appropriately
3 designated and to read as follows:

4 "§712- Promoting fantasy competition. (1) A person
5 commits the offense of promoting fantasy competition if the
6 person knowingly advances or profits from the game or contest
7 and:

8 (a) The person is under twenty-one years of age;

9 (b) The person advertises or promotes the game or contest
10 on a school or college campus; or

11 (c) The person is an athlete or otherwise employed in a
12 professional sport and the contest is in that
13 professional sport.

14 (2) Promoting fantasy competition is a violation.

15 (3) In any prosecution for an offense under this section,
16 a defendant may assert the affirmative defense that:



1 (a) The person limits a player's bet to no more than
2 \$1,000 per month on a game or contest; or

3 (b) The person identifies highly experienced players on
4 all game or contest platforms and offers beginner
5 games that are disallowed to the highly experienced
6 players.

7 (4) If the defendant asserts the affirmative defense, the
8 defendant shall have the burden of going forward with evidence
9 to prove the facts constituting the defense unless the facts are
10 supplied by the testimony of the prosecuting witness or
11 circumstances in the testimony, and of proving the facts by a
12 preponderance of the evidence."

13 SECTION 2. Section 712-1220, Hawaii Revised Statutes, is
14 amended by adding a new definition to be appropriately inserted
15 and to read as follows:

16 "Fantasy competition" means any online fantasy or
17 simulated game or contest such as fantasy sports, online, or
18 otherwise, in which:

19 (1) Participants own, manage, or coach imaginary teams;



- 1 (2) All prizes and awards offered to winning participants
2 are established and made known to participants in
3 advance of the game or contest;
- 4 (3) The winning outcome of the game or contest reflects
5 the relative skill of the participants and are
6 determined by statistics generated by actual
7 individuals such as players or teams, in the case of a
8 professional sport; and
- 9 (4) No winning outcome is based upon:
- 10 (A) Only the performance of an individual athlete; or
11 (B) The score, point spread, or performances of any
12 single real-world team or a combination of any
13 real-world teams."

14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 4. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on January 1, 2017.

19

INTRODUCED BY:

Gov. DC. Rich-Clay



A handwritten signature in black ink, appearing to read "Mike Gifford". The signature is written in a cursive style with a large, looping initial "M".

S.B. NO. 2429

Report Title:

Fantasy Competition; Penal Code

Description:

Establishes fantasy competition as a violation of the gambling laws. Provides an affirmative defense under limited situations.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

