

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 380*
Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/17/19
House Committee Substitute Without Prejudice 8/7/19
Corrected Copy 8/9/19
House Committee Substitute #2 Without Prejudice 6/17/20

Short Title: Clarify Felony Possess Sweepstakes Machine.

(Public)

Sponsors:

Referred to:

March 28, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY FELONIOUS POSSESSION OF ELECTRONIC SWEEPSTAKES
3 MACHINES OR DEVICES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 14-306.4 reads as rewritten:

6 **"§ 14-306.4. Electronic machines and devices for sweepstakes prohibited.**

7 (a) Definitions. – For the purposes of this section, the following definitions apply:

- 8 (1) "Electronic machine or device" means a mechanically, electrically or
9 electronically operated machine or device, that is owned, leased or otherwise
10 possessed by a sweepstakes sponsor or promoter, or any of the sweepstakes
11 sponsor's or promoter's partners, affiliates, subsidiaries or contractors, that is
12 intended to be used by a sweepstakes entrant, that uses energy, and that is
13 capable of displaying information on a screen or other mechanism. This
14 section is applicable to an electronic machine or device whether or not:
- 15 a. It is server-based.
 - 16 b. It uses a simulated game terminal as a representation of the prizes
17 associated with the results of the sweepstakes entries.
 - 18 c. It utilizes software such that the simulated game influences or
19 determines the winning or value of the prize.
 - 20 d. It selects prizes from a predetermined finite pool of entries.
 - 21 e. It utilizes a mechanism that reveals the content of a predetermined
22 sweepstakes entry.
 - 23 f. It predetermines the prize results and stores those results for delivery
24 at the time the sweepstakes entry results are revealed.
 - 25 g. It utilizes software to create a game result.
 - 26 h. It requires deposit of any money, coin, or token, or the use of any credit
27 card, debit card, prepaid card, or any other method of payment to
28 activate the electronic machine or device.
 - 29 i. It requires direct payment into the electronic machine or device, or
30 remote activation of the electronic machine or device.
 - 31 j. It requires purchase of a related product.
 - 32 k. The related product, if any, has legitimate value.



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- 1 l. It reveals the prize incrementally, even though it may not influence if
2 a prize is awarded or the value of any prize awarded.
- 3 m. It determines and associates the prize with an entry or entries at the
4 time the sweepstakes is entered.
- 5 n. It is a slot machine or other form of electrical, mechanical, or computer
6 game.
- 7 o. It is autonomous.
- 8 (2) "Enter" or "entry" means the act or process by which a person becomes
9 eligible to receive any prize offered in a sweepstakes.
- 10 (3) "Entertaining display" means visual information, capable of being seen by a
11 sweepstakes entrant, that takes the form of actual game play, or simulated
12 game play, such as, by way of illustration and not exclusion:
- 13 a. A video poker game or any other kind of video playing card game.
14 b. A video bingo game.
15 c. A video craps game.
16 d. A video keno game.
17 e. A video lotto game.
18 f. Eight liner.
19 g. Pot-of-gold.
20 h. A video game based on or involving the random or chance matching
21 of different pictures, words, numbers, or symbols not dependent on the
22 skill or dexterity of the player.
- 23 i. Any other video game not dependent on skill or dexterity that is played
24 while revealing a prize as the result of an entry into a sweepstakes.
- 25 j. A fish game or any other multiplayer or multi-station video game in
26 which players can play against the software or each other.
- 27 (4) "Prize" means any gift, award, gratuity, good, service, credit, or anything else
28 of value, which may be transferred to a person, whether possession of the prize
29 is actually transferred, or placed on an account or other record as evidence of
30 the intent to transfer the prize.
- 31 (5) "Sweepstakes" means any game, advertising scheme or plan, or other
32 promotion, which, with or without payment of any consideration, a person
33 may enter to win or become eligible to receive any prize, the determination of
34 which is based upon chance.
- 35 (6) "Autonomous" means an electronic machine or device as defined by this
36 section that meets all the following conditions:
- 37 a. The game board is not connected to the Internet or capable of being
38 connected to the Internet or any electronic network, including, but not
39 limited to, a virtual private network.
- 40 b. The game board is not connected to a local server or remote server.
41 c. The game board is not capable of receiving any maintenance,
42 upgrades, or changes to software remotely over any network.
- 43 d. The game board is not capable of allowing any accounting functions
44 or retrieval of accounting data related to the activities of the electronic
45 machine or device remotely over any network.
- 46 (b) Notwithstanding any other provision of this Part, it shall be unlawful for any person
47 to operate, or place into operation, an autonomous or non-autonomous electronic machine or
48 device to do either of the following:
- 49 (1) Conduct a sweepstakes through the use of an entertaining display, including
50 the entry process or the reveal of a prize.

- 1 (2) Promote a sweepstakes that is conducted through the use of an entertaining
- 2 display, including the entry process or the reveal of a prize.
- 3 (c) It is the intent of this section to prohibit any mechanism that seeks to avoid application
- 4 of this section through the use of any subterfuge or pretense whatsoever.
- 5 (d) Nothing in this section shall be construed to make illegal any activity which is
- 6 lawfully conducted on Indian lands pursuant to, and in accordance with, an approved Tribal-State
- 7 Gaming Compact applicable to that Tribe as provided in G.S. 147-12(14) and G.S. 71A-8.
- 8 (e) Each violation of this section shall be considered a separate offense.
- 9 (f) Any person who violates this section is guilty of a Class 1 misdemeanor for the first
- 10 offense and is guilty of a Class H felony for a second offense and a Class G felony for a third or
- 11 subsequent offense.
- 12 (g) In addition to any other penalty provided by law, it shall be a Class G felony for any
- 13 person to operate or place into operation any of the following:
- 14 (1) More than four electronic machines or devices in one location.
- 15 (2) Any electronic machine or device within 100 feet of more than three other
- 16 electronic machines or devices.
- 17 (3) One or more electronic machines or devices that do not operate autonomously.
- 18 Conviction of a violation of this subsection shall result in forfeiture of all electronic machines
- 19 and devices operated or placed into operation in violation of this subsection. For purposes of this
- 20 subsection, "autonomously" has the same meaning as "autonomous" as defined in subsection (a)
- 21 of this section."
- 22 **SECTION 2.** This act becomes effective December 1, 2020, and applies to offenses
- 23 committed on or after that date.