

## **Connecticut Statutes**

### **TITLE 1. PROVISIONS OF GENERAL APPLICATION CHAPTER 10. CODES OF ETHICS PART I. CODE OF ETHICS FOR PUBLIC OFFICIALS**

#### **Sec. 1-83. Statements of financial interests.**

Filing requirements. Ethics statements. (a) (1) All state-wide elected officers, members of the General Assembly, department heads and their deputies, members of the Gaming Policy Board, the executive director of the Division of Special Revenue within the Department of Revenue Services, members or directors of each quasi-public agency, sheriffs and deputy sheriffs and such members of the executive department and such employees of quasi-public agencies as the Governor shall require, shall file, under penalty of false statement, a statement of financial interests for the preceding calendar year with the commission on or before the May first next in any year in which they hold such a position. Any such individual who leaves his office or position shall file a statement of financial interests covering that portion of the year during which he held his office or position. The commission shall notify such individuals of the requirements of this subsection within thirty days after their departure from such office or position. Such individuals shall file such statement within sixty days after receipt of the notification. (2) Each state agency, department, board and commission shall develop and implement, in cooperation with the Ethics Commission, an ethics statement as it relates to the mission of the agency, department, board or commission. The executive head of each such agency, department, board or commission shall be directly responsible for the development and enforcement of such ethics statement and shall file a copy of such ethics statement with the Department of Administrative Services and the Ethics Commission. (b) (1) The statement of financial interests, except as provided in subdivision (2) of this subsection, shall include the following information for the preceding calendar year in regard to the individual required to file the statement and his spouse and dependent children residing in the individual's household: (A) The names of all businesses with which associated; (B) the category or type of all sources of income in excess of one thousand dollars, amounts of income shall not be specified; the names and addresses of specific clients, patients and customers, except when such information is privileged against disclosure under the law or where the ethical standards of a professional group, society or organization of which the individual is a member, prohibit such disclosure without the consent of the client, patient or customer involved, who provided more than ten thousand dollars of net income including clients and customers who provided more than ten thousand dollars of net income to any business with which the individual was associated, amounts of income not to be specified; (C) the name of securities in excess of five thousand dollars at fair market value owned by such individual, spouse or dependent children or held in the name of a corporation, partnership or trust for the benefit of such individual, spouse or dependent children; (D) the existence of any known blind trust and the names of the trustees; (E) all real property and its location, whether owned by such individual, spouse or dependent children or held in the name of a corporation, partnership or trust for the benefit of such individual, spouse or dependent children; (F) the names and addresses of creditors to whom the individual, his spouse or dependent children, individually, owed debts of more than ten thousand dollars; and (G) any leases or contracts with the state held or entered into by the individual or a business with which he was associated. (2) The statement of financial interests filed by sheriffs and deputy sheriffs shall include only amounts and sources of income earned in their capacity as sheriffs or deputy sheriffs. (c) The statement of financial interests filed pursuant to this section shall be a matter of public information, except the list of names, filed in accordance with subparagraph (B) or subparagraph (F) of subdivision (1) of subsection (b) of this section shall be sealed and confidential and for the use of the commission only after a complaint has been filed under section 1-82 and such complaint has been determined by a vote of the commission to be of sufficient merit and gravity to justify the unsealing of such list or lists and not open to public inspection unless the respondent requests otherwise. If the commission reports its findings to the Chief State's Attorney in accordance with subsection (c) of section 1-88, the commission shall turn over to the Chief State's Attorney such relevant information contained in the statement as may be germane to the specific violation or violations or a prosecutorial

official may subpoena such statement in a criminal action. Unless otherwise a matter of public record, the Ethics Commission shall not disclose to the public any such subpoena which would be exempt from disclosure by the issuing agency. (d) Any individual who is unable to provide information required under the provisions of subdivision (1) of subsection (b) of this section by reason of impossibility may petition the commission for a waiver of the requirements.

(P.A. 77-600, S. 5, 15; P.A. 79-549; P.A. 80-482, S. 342, 343, 345, 348; P.A. 83-249, S. 6, 14; 83-270, S. 3; 83-586, S. 3, 14; P.A. 84-21, S. 1, 5; 84-335, S. 2, 4; 84-546, S. 141, 173; P.A. 87-524, S. 5, 7; P.A. 88-139, S. 2; 88-225, S. 2, 14; P.A. 89-97, S. 2, 7; 89-145; June 12 Sp. Sess. P.A. 91-1, S. 8; P.A. 94-126, S. 1; 94-132, S. 3.)

History: P.A. 79-549 included members of gaming policy board, executive director of division of special revenue within the department of business regulation under filing requirements; P.A. 80-482 changed "business regulation" to "revenue services", expanded provisions regarding the executive director and limited revenue services' control to administrative purposes only; P.A. 83-249 changed "commissioners and deputy commissioners" to "department heads and their deputies" and made technical amendments; P.A. 83-270 amended Subsec. (a) to include members of the board of directors of the Connecticut resources recovery authority under filing requirements; P.A. 83-586 amended Subsec. (a) to require post-termination filing of financial statement, amended Subsec. (b) to allow for nondisclosure of privileged information, to clarify that reporting threshold figure of five thousand dollars refers to net income and to require disclosure of clients providing more than five thousand dollars of net income to any business with which the individual was associated, names of creditors and state leases and contracts, amended Subsec. (c) to allow commission access to list of names if commission determines that a complaint is of sufficient merit and gravity to justify its unsealing and added Subsec. (d) allowing waiver in cases in which it is impossible to comply with information requirements; P.A. 84-21 made technical correction in Subsec. (c) to refer to list of names of creditors as sealed and confidential; P.A. 84-335 added requirement that sheriffs and deputy sheriffs file limited financial statements; P.A. 84-546 made technical changes in Subsec. (b); P.A. 87-524 amended Subsec. (b) to specify that Subdiv. (2) shall not permit elected official to receive gift, honorarium or compensation prohibited under Sec. 9-333i(h); P.A. 88-139 amended Subsec. (a) by changing the filing deadline for statements of financial interests from April fifteenth to May first, amended Subsec. (b)(1)(C) by deleting the exception for blind trusts; added Subsec. (b)(1)(D) re blind trusts; added the language in Subsec. (b)(1)(E) re real property held for the benefit of an individual, spouse or dependent children and relettered Subparas. (E) and (F) accordingly; P.A. 88-225 amended Subsec. (a) to require (1) members or directors of each quasi-public agency, instead of only members of board of directors of Connecticut resources recovery authority, and (2) such employees of quasi-public agencies as governor requires to file statement of financial interests; P.A. 89-97 added definition of "fee" and "honorarium" in Subdiv. (2) of Subsec. (b) and required filing of such a fee or honorarium in an amount of one hundred dollars or more received in capacity as public official or state employee instead of fee or honorarium received for appearance or delivery of address to any meeting of an organization; P.A. 89-145 increased threshold in Subpara. (B) of Subdiv. (1) of Subsec. (b) for reporting names and addresses of clients, patients and customers providing income to individual, from five thousand to ten thousand dollars; June 12 Sp. Sess. P.A. 91-1 deleted former Subdiv. (2) of Subsec. (b) re disclosure of fees and honoraria and renumbered Subdiv. (3) as

Subdiv. (2); P.A. 94-126 amended Subsec. (a) by adding new Subdiv. (2) re ethics statements and clarified that Subsecs. (b) and (c) apply to statements of financial interests; P.A. 94-132 amended Subsec. (c) by adding provision re disclosure of subpoenas.

Disclosure obligations under statute not subject to disclosure requirement of Sec. 1-19(a). 18 CA 212, 213, 215-218. Subsec. (b): Subdivs.

(1) and (3) cited. 18 CA 212, 216. Subpara. (1) (B) cited. Id., 212, 216, 217. Subsec. (c): Cited. 18 CA 212, 217.

#### Sec. 1-84. (Formerly Sec. 1-66). Prohibited activities.

(a) No public official or state employee shall, while serving as such, have any financial interest in, or engage in, any business, employment, transaction or professional activity, which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, as defined in section 1-85. (b) No public official or state employee shall accept other employment which will either impair his independence of judgment as to his official duties or employment or require him, or induce him, to disclose confidential information acquired by him in the course of and by reason of his official duties. (c) No public official or state employee shall wilfully and knowingly disclose, for financial gain, to any other person, confidential information acquired by him in the course of and by reason of his official duties or employment and no public official or state employee shall use his public office or position or any confidential information received through his holding such public office or position to obtain financial gain for himself, his spouse, child, child's spouse, parent, brother or sister or a business with which he is associated. (d) No public official or his employee or state employee or his employee shall agree to accept, or be a member or employee of a partnership, association, professional corporation or sole proprietorship which partnership, association, professional corporation or sole proprietorship agrees to accept any employment, fee or other thing of value, or portion thereof, for appearing, agreeing to appear, or taking any other action on behalf of another person before the Department of Banking, the Claims Commissioner, the Office of Health Care Access, the Insurance Department, the office within the Department of Consumer Protection that carries out the duties and responsibilities of sections 30-2 to 30-68m, inclusive, the Department of Motor Vehicles, the State Insurance Purchasing Board, the Department of Environmental Protection, the Department of Public Utility Control, the Connecticut Siting Council, the Division of Special Revenue within the Department of Revenue Services, the Gaming Policy Board within the Department of Revenue Services or the Connecticut Real Estate Commission; provided this shall not prohibit any such person from making inquiry for information on behalf of another before any of said commissions or commissioners if no fee or reward is given or promised in consequence thereof. For the purpose of this subsection, partnerships, associations, professional corporations or sole proprietorships refer only to such partnerships, associations, professional corporations or sole proprietorships which have been formed to carry on the business or profession directly relating to the employment, appearing, agreeing to appear or taking of action provided for in this subsection. Nothing in this subsection shall prohibit any employment, appearing, agreeing to appear or taking action before any municipal board, commission or council. Nothing in this subsection shall be construed as applying (1) to the actions of any teaching or research professional employee of a public institution of higher education if such actions are not in violation of any other provision of this chapter, (2) to the actions of any other professional employee of a public institution of higher education if such actions are not compensated and are not in violation of any other provision of this chapter, (3) to any member of a board or commission who receives no compensation other than per diem payments or reimbursement for actual or necessary expenses, or both, incurred in the performance of his duties or (4) to any member or director of a quasi-public agency. Notwithstanding the provisions of this subsection to the contrary, a legislator, an officer of the General Assembly or part-time legislative employee may be or become a member or employee of a firm, partnership, association or professional corporation which represents clients for compensation before agencies listed in this subsection, provided the legislator, officer of the General Assembly or part-time legislative employee shall take no part in any matter involving the agency listed in this subsection and shall not receive compensation from any such matter. Receipt of a

previously established salary, not based on the current or anticipated business of the firm, partnership, association or professional corporation involving the agencies listed in this subsection, shall be permitted. (e) No legislative commissioner or his partners, employees or associates shall represent any person subject to the provisions of part II concerning the promotion of or opposition to legislation before the General Assembly, or accept any employment which includes an agreement or understanding to influence, or which is inconsistent with, the performance of his official duties. (f) No person shall offer or give to a public official or state employee or candidate for public office or his spouse, his parent, brother, sister or child or spouse of such child or a business with which he is associated, anything of value, including but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the public official, state employee or candidate for public office would be or had been influenced thereby. (g) No public official or state employee or candidate for public office shall solicit or accept anything of value, including but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the public official or state employee or candidate for public office would be or had been influenced thereby. (h) Nothing in subsection (f) or (g) of this section shall be construed (1) to apply to any promise made in violation of subdivision (6) of section 9-333x or (2) to permit any activity otherwise prohibited in section 53a-147 or 53a-148. (i) No public official or state employee or member of his immediate family or a business with which he is associated shall enter into any contract with the state, valued at one hundred dollars or more, other than a contract of employment as a state employee or pursuant to a court appointment, unless the contract has been awarded through an open and public process, including prior public offer and subsequent public disclosure of all proposals considered and the contract awarded. In no event shall an executive head of an agency, as defined in section 4-166, including a commissioner of a department, or an executive head of a quasi-public agency, as defined in section 1-79, or his immediate family or a business with which he is associated enter into any contract with that agency or quasi-public agency. Nothing in this subsection shall be construed as applying to any public official who is appointed as a member of the executive branch or as a member or director of a quasi-public agency and who receives no compensation other than per diem payments or reimbursement for actual or necessary expenses, or both, incurred in the performance of his duties unless such public official has authority or control over the subject matter of the contract. Any contract made in violation of this subsection shall be voidable by a court of competent jurisdiction if the suit is commenced within ninety days of the making of the contract. (j) No public official, state employee or candidate for public office, or a member of any such person's staff or immediate family shall knowingly accept any gift or gifts known to amount to fifty dollars or more in value in any calendar year from a person known to be a registrant or anyone known to be acting on behalf of a registrant. (k) No public official or state employee shall accept a fee or honorarium for an article, appearance or speech, or for participation at an event, in his official capacity, provided a public official or state employee may receive payment or reimbursement for necessary expenses for any such activity in his official capacity. If a public official or state employee receives such a payment or reimbursement for lodging or out-of-state travel or both, the official or employee shall, within thirty days, file a report of the payment or reimbursement with the commission, unless the payment or reimbursement is provided by the federal government or another state government. If a public official or state employee does not file such report within such period, either intentionally or due to gross negligence on his part, he shall return the payment or reimbursement. If any failure to file such report is not intentional or due to gross negligence on the part of the public official or state employee, he shall not be subject to any penalty under this chapter. (l) No public official or state employee, or any person acting on behalf of a public official or state employee, shall wilfully and knowingly interfere with, influence, direct or solicit existing or new lobbying contracts, agreements or business relationships for or on behalf of any person. (m) No public official or state employee shall knowingly accept, directly or indirectly, any gift or gifts known to amount to fifty dollars or more in value in any calendar year from any person the official or employee knows or has reason to know: (1) Is doing business with or seeking to do business with the department or agency in which the official or employee is employed, (2) is engaged in activities which are directly regulated by such department or agency or (3) has financial interests which may be substantially affected by the performance or nonperformance of official duties by the official or employee. No person shall knowingly give, directly or indirectly, any gift or gifts in violation of this provision. (n) As used in this subsection, "investment services" means legal services, investment banking services, investment advisory services, underwriting services, financial advisory services or brokerage firm services. The Treasurer shall not pay any compensation, expenses or fees or issue any contract to any

firm which provides investment services when (1) a political committee, as defined in section 9-333a, established by such firm, or (2) an individual who is an owner of such firm or employed by such firm as a manager, officer, director, partner or employee with managerial or discretionary responsibilities to invest, manage funds or provide investment services for brokerage, underwriting and financial advisory activities which are in the statutory and constitutional purview of the Treasurer, has made a contribution, as defined in section 9-333b, on or after October 1, 1995, to, or solicited contributions on or after said date on behalf of, any exploratory committee or candidate committee, as defined in section 9-333a, established by a candidate for nomination or election to the office of Treasurer. The Treasurer shall not pay any compensation, expenses or fees or issue any contract to such firms and individuals during the term of office as Treasurer, including, for an incumbent Treasurer seeking reelection, any remainder of the current term of office.

(1971, P.A. 822, S. 1; P.A. 75-605, S. 20, 27; P.A. 76-302, S. 1, 3; P.A. 77-600, S. 6, 15; 77-604, S. 68, 84; 77-605, S. 13, 21; 77-614, S. 165, 610; P.A.

78-303, S. 37, 136; P.A. 79-404, S. 1, 45; 79-493, S. 5, 7, 9; P.A. 80-482, S. 1, 4, 170, 191, 345, 348; 80-483, S. 2, 186; P.A. 82-423, S. 6, 8; P.A. 83-249,

S. 7, 14; 83-586, S. 4, 14; P.A. 87-9, S. 2, 3; 87-234; 87-524, S. 6, 7; P.A. 88-225, S. 3, 14; P.A. 89-369, S. 3; June 12 Sp. Sess. P.A. 91-1, S. 2, 6, 22;

P.A. 92-149, S. 1, 12; P.A. 94-69, S. 2, 3; P.A. 95-188, S. 1; 95-195, S. 4, 83; 95-257, S. 39, 58; P.A. 96-11, S. 1, 5.)

History: P.A. 75-605 changed "commission on claims" to "claims commissioner"; P.A. 76-302 added Subsec. (e); P.A. 77-600 broadened scope

of section regarding prohibited activities and those who are affected by the prohibitions and added Subsecs. (f) to (i), effective January 1, 1978;

P.A. 77-604 changed sections referred to in Subsec. (h), effective January 1, 1978; P.A. 77-605 expanded scope of prohibitions in Subsec. (e); in

Subsec. (d) P.A. 77-614 changed "liquor control commission" to "division of liquor control within the department of business regulation"; in

Subsec. (d) P.A. 78-303 changed "state banking commission" to "banking commissioner", effective January 1, 1979; in 1979 Sec. 1-66 transferred

to Sec. 1-84; P.A. 79-404 changed "commission on special revenue" to "division of special revenue" and added the gaming policy board in

Subsec. (d); P.A. 79-493 clarified prohibited conduct in Subsec. (d) and excluded members of advisory boards and commissions receiving per

diem or reimbursement for expenses from provisions and excluded executive branch officials from provisions of Subsec. (i) except in certain

cases; P.A. 80-482 deleted references to business regulation and reflected changes placing special revenue and the gaming policy board within

the department of revenue services and creating the banking, insurance, liquor control and public utility control departments; P.A. 80-483 made

technical changes; P.A. 82-423 added Subsec. (j) which placed fifty dollar limit on gifts accepted by public officials; P.A. 83-249 limited

prohibition to financial interest or gains; P.A. 83-586 amended Subsec. (d) to include appearance or action before commission on hospitals and

health care, insurance department, department of public utility control or Connecticut siting council, effective January 9, 1985; pursuant to P.A.

87-9, "banking department" was changed editorially by the Revisors to "department of banking"; P.A. 87-234 amended Subsec. (d) to exempt

from provisions of Subsec. (d) actions of teaching or research professional employees of public institutions of higher education, regardless of

whether such actions are compensated; P.A. 87-524 added provision in Subsec. (h) that Subsecs. (f) and (g) shall not apply to promise violating

Subdiv. (6) of Sec. 9-333x; P.A. 88-225 added Subdiv. (4) to Subsec. (d), exempting members and directors of quasi-public agencies from

application of Subsec. (d) and amended Subsec. (i) to exempt certain members and directors of quasi-public agencies from application of

Subsec. (i); P.A. 89-369 applied section to sole proprietorships; June 12 Sp. Sess. P.A. 91-1 amended Subsec. (j) by inserting "knowingly" and making a technical change and added Subsec. (k) re fees and honoraria and Subsec. (l) re influence with lobbying contracts, agreements or business relationships; P.A. 92-149 amended Subsec. (d) to allow firms employing legislators or legislative employees to represent clients before specific agencies provided such employee derives no compensation from such representation, amended Subsec. (k) to allow public officials or state employees to receive payment or reimbursements for necessary expenses for lodging, out-of-state travel or both provided a report is filed with the commission and added new Subsec. (m) re acceptance of gifts in excess of fifty dollars; P.A. 94-69 amended Subsec. (m) by deleting "serving in the executive branch or a quasi-public agency" after "state employee", effective January 1, 1994; P.A. 95-188 added Subsec. (n) re contributions to candidates for Treasurer by "investment services" firms or individuals associated with such firms; P.A. 95-195 amended Subsec. (d) to replace reference to Department of Liquor Control with reference to office within the Department of Consumer Protection carrying out the duties of Secs. 30-2 to 30-68m, inclusive, effective July 1, 1995; P.A. 95-257 amended Subsec. (d) to replace Commission on Hospitals and Health Care with Office of Health Care Access, effective July 1, 1995; P.A. 96-11 amended Subsec. (i) to prohibit an executive head of an agency or his immediate family or a business with which he is associated from entering into a contract with that agency, effective January 1, 1997.  
See Sec. 1-79a re calculation of dollar limit on gifts.  
Subsec. (c): Cited. 229 C. 479, 494.

#### Sec. 1-84b. Certain activities restricted after leaving public office or employment.

(a) No former executive branch or quasi-public agency public official or state employee shall represent anyone other than the state, concerning any particular matter (1) in which he participated personally and substantially while in state service and (2) in which the state has a substantial interest. (b) No former executive branch or quasi-public agency public official or state employee shall, for one year after leaving state service, represent anyone, other than the state, for compensation before the department, agency, board, commission, council or office in which he served at the time of his termination of service, concerning any matter in which the state has a substantial interest. The provisions of this subsection shall not apply to an attorney who is a former employee of the Division of Criminal Justice, with respect to any representation in a matter under the jurisdiction of a court. (c) The provisions of this subsection apply to present or former executive branch public officials or state employees who hold or formerly held positions which involve significant decision-making or supervisory responsibility and are designated as such by the Ethics Commission in consultation with the agency concerned except that such provisions shall not apply to members or former members of the boards or commissions who serve ex officio, who are required by statute to represent the regulated industry or who are permitted by statute to have a past or present affiliation with the regulated industry. Designation of positions subject to the provisions of this subsection shall be by regulations adopted by the Ethics Commission in accordance with chapter 54. As used in this subsection, "agency" means the Office of Health Care Access, the Connecticut Siting Council, the Department of Banking, the Insurance Department, the office within the Department of Consumer Protection that carries out the duties and responsibilities of sections 30-2 to 30-68m, inclusive, the Department of Public Utility Control, including the Office of Consumer Counsel, the Division of Special Revenue and the Gaming Policy Board and the term "employment" means professional services or other services rendered as an employee or as an independent contractor. (1) No public official or state employee, in an executive branch position designated by the State Ethics Commission shall negotiate for,

seek or accept employment with any business subject to regulation by his agency. (2) No former public official or state employee who held such a position in the executive branch shall within one year after leaving an agency, accept employment with a business subject to regulation by that agency. (3) No business shall employ a present or former public official or state employee in violation of this section. (d) No former public official or state employee (1) who participated substantially in the negotiation or award of (A) a state contract obliging the state to pay an amount of fifty thousand dollars or more or (B) a written agreement for the approval of a payroll deduction slot described in section 3-123, or (2) who supervised the negotiation or award of such a contract or agreement, shall accept employment with a party to the contract or agreement other than the state for a period of one year after his resignation from his state office or position if his resignation occurs less than one year after the contract or agreement is signed. (e) No member or director of a quasi-public agency who participates substantially in the negotiation or award of a contract obliging his agency to pay an amount of fifty thousand dollars or more, or who supervised the negotiation or award of such a contract, shall seek, accept, or hold employment with a party to the contract for a period of one year after the signing of the contract. (f) The regulations required to implement the provisions of subsection (c) of this section may be adopted by the State Ethics Commission prior to January 7, 1987, but may not take effect prior to that date. (g) The provisions of subsections (a), (b) and (d) of this section shall not apply to any employee of a quasi-public agency who leaves such agency before July 1, 1989.

(P.A. 83-586, S. 6, 14; P.A. 86-250, S. 3, 4; P.A. 87-9, S. 2, 3; P.A. 88-22, S. 1; 88-225, S. 5, 14; Nov. Sp. Sess. P.A. 94-1, S. 1, 2; P.A. 95-144, S. 10, 11; 95-195, S. 6, 83; 95-257, S. 39, 58; P.A. 96-156, S. 5.)

History: P.A. 83-586, S. 6, effective January 7, 1987; P.A. 86-250 added Subsec. (e) permitting adoption of regulations to implement provisions of Subsec. (c) prior to January 7, 1987; pursuant to P.A. 87-9, "banking department" was changed editorially by the Revisors to "department of banking"; P.A. 88-22 substituted in Subsec. (c) the office of consumer counsel for the division of consumer counsel; P.A. 88-225 applied provisions of Subsec. (b) to quasi-public agency public officials and state employees, inserted new Subsec. (e) re employment prohibition for certain members and directors of quasi-public agencies, relettered former Subsec. (e) as Subsec. (f) and added Subsec. (g) providing that Subsecs. (a), (b) and (d) shall not apply to any quasi-public agency employee leaving agency before July 1, 1989; Nov. Sp. Sess. P.A. 94-1 amended Subsec. (b) to exempt from the prohibition of this subsection attorneys who are former employees of the division of criminal justice, "with respect to any representation of a criminal defendant in a matter under the jurisdiction of a court", effective December 13, 1994; P.A. 95-144 amended Subsec. (b) by applying exception from its provisions for attorneys to any representation in a court matter, instead of to any representation "of a criminal defendant" in a court matter, effective July 1, 1995; P.A. 95-195 amended Subsec. (b) to substitute Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 95-257 amended Subsec. (c) to replace Commission on Hospitals and Health Care with Office of Health Care Access, effective July 1, 1995; P.A. 96-156 inserted Subdiv. and Subpara. designations in Subsec. (d) and applied its provisions to persons participating in the approval of a payroll deduction slot.

### **TITLE 3. STATE ELECTIVE OFFICERS**

#### **CHAPTER 35. ATTORNEY GENERAL**

Sec. 3-129a. Suppression of criminally operated corporations.

(a) The Attorney General is authorized to institute civil proceedings in the Superior Court to forfeit the

charter of any corporation organized under the laws of this state and to revoke the certificate of authority of any foreign corporation to carry on business in this state, when: (1) Any of the corporation officers or any other person controlling the management or operation of such corporation, with the knowledge of the president and a majority of the board of directors or under such circumstances that the president and a majority of the directors should have knowledge, is a person engaged in organized gambling, organized traffic in narcotics, organized extortion, organized bribery, organized embezzlement or organized prostitution, or who is connected directly or indirectly with organizations, syndicates or criminal societies engaging in such; or (2) a director, officer, employee, agent or stockholder acting for, through or on behalf of such corporation has, in conducting the corporation's affairs, purposely engaged in a persistent course of gambling, unlawful traffic in narcotics, extortion, embezzlement, intimidation and coercion, bribery, prostitution, or other such criminal conduct with the knowledge of the president and a majority of the board of directors or under such circumstances that the president and a majority of the directors should have such knowledge, with the intent to compel or induce other persons, firms or corporations to deal with such corporation or to engage in any such criminal conduct; and (3) for the prevention of future illegal conduct of the same character, the public interest requires the charter of the corporation to be forfeited and the corporation to be dissolved or the certificate of authority to be revoked. (b) The proceedings authorized by subsection (a) of this section may be instituted against a corporation in the superior court for any county in which it is doing business and the proceedings shall be conducted in accordance with the rules of civil procedure and the applicable rules of court. Such proceedings shall be deemed additional to any other proceeding authorized by law for the purpose of forfeiting the charter of a corporation or revoking the certificate of authority of a foreign corporation. (1971, P.A. 308, S. 1, 3 (a).)

#### Sec. 3-129b. Suppression of criminally operated businesses other than corporations.

(a) The Attorney General is authorized to institute civil proceedings in the Superior Court to enjoin the operation of any business other than a corporation, including a partnership, limited partnership, unincorporated association, joint venture or sole proprietorship, when: (1) Any person in control of any such business, who may be a partner in a partnership, a participant in a joint venture, the owner of a sole proprietorship, an employee or agent of any such business, or a person who, in fact, exercises control over the operations of any such business, has, in conducting its business affairs, purposely engaged in a persistent course of gambling, unlawful traffic in narcotics, extortion, embezzlement, intimidation, bribery, prostitution, or other such illegal conduct with the intent to compel or induce other persons, firms or corporations to deal with such business or engage in any such illegal conduct, and (2) for the prevention of future illegal conduct of the same character, the public interest requires the operation of the business to be enjoined. (b) The proceedings authorized by subsection (a) of this section may be instituted against a business other than a corporation in the superior court for any judicial district in which it is doing business and the proceedings shall be conducted in accordance with rules of civil procedure and the applicable rules of court. (1971, P.A. 308, S. 2, 3 (b); P.A. 78-280, S. 2, 127.)  
History: P.A. 78-280 deleted reference to county.

## **TITLE 4. MANAGEMENT OF STATE AGENCIES**

### **CHAPTER 46. STATE APPOINTIVE OFFICERS**

#### Sec. 4-9a. Appointment of chairpersons and executive directors of boards and commissions.

Public members; proportion; definitions; exception. Members; terms. (a) The Governor shall appoint the chairperson and executive director, if any, of all boards and commissions within the executive department, except the Board of Governors of Higher Education, provided the Governor shall appoint the initial

chairman of said board as provided in section 10a-2, the State Properties Review Board, the State Elections Enforcement Commission, the Commission on Human Rights and Opportunities, the State Ethics Commission, the Commission on Aging and the Commission on Fire Prevention and Control. (b) Public members shall constitute not less than one-third of the members of each board and commission within the executive department, except the Gaming Policy Board and the Commission on Human Rights and Opportunities. Public member means an elector of the state who has no substantial financial interest in, is not employed in or by, and is not professionally affiliated with, any industry, profession, occupation, trade or institution regulated or licensed by the relevant board or commission, and who has had no professional affiliation with any such industry, profession, occupation, trade or institution for three years preceding his appointment to the board or commission. Except as otherwise specifically provided by the general statutes, this section shall not apply to the Commission on Fire Prevention and Control, boards and commissions the membership of which is entirely composed of state department heads, elected officials or deputies appointed by such department heads or where the membership of such board or commission is determined in accordance with the provisions of any federal law. (c) Notwithstanding any provision of law to the contrary, the term of each member of each board and commission within the executive branch, except the State Board of Education, the Board of Governors of Higher Education, the Gaming Policy Board, the Commission on Human Rights and Opportunities, the State Elections Enforcement Commission, the State Properties Review Board, the State Ethics Commission, the Commission on Medicolegal Investigations, the Psychiatric Security Review Board, the Commission on Fire Prevention and Control, the E 9-1-1 Commission, the State Commission on the Arts, the Commission on Aging, the board of trustees of each constituent unit of the state system of higher education and the Board of Parole, commencing on or after July 1, 1979, shall be coterminous with the term of the Governor or until a successor is chosen whichever is later. (d) Each member of each board and commission within the executive branch shall serve at the pleasure of the appointing authority except where otherwise specifically provided by any provision of the general statutes.

(P.A. 77-614, S. 13, 587, 610; P.A. 79-404, S. 2, 45; 79-493, S. 8, 9; 79-560, S. 36, 39; P.A. 81-473, S. 2, 43; P.A. 82-218, S. 34, 46; P.A. 84-241, S. 2, 5; 84-416, S. 14, 15; 84-511, S. 1, 15; 84-546, S. 8, 173; P.A. 85-300, S. 2, 3; 85-506, S. 26, 32; P.A. 86-403, S. 7, 132; P.A. 93-219, S. 4, 14; 93-262, S. 27, 87; 93-435, S. 56, 95; May 25 Sp. Sess. P.A. 94-1, S. 3, 130.)

History: P.A. 79-404 deleted references to commission on special revenue in Subsecs. (a) and (c) and substituted gaming policy board for commission in Subsecs. (b) and (d); P.A. 79-493 included state ethics commission in Subsecs. (a), (c) and (d); P.A. 79-560 included state elections commission in Subsecs. (a), (c) and (d); P.A. 81-473 exempted the commission on medicolegal investigations from the general requirement that terms of members of boards and commissions be coterminous with that of the governor in Subsec. (d); P.A. 82-218 amended section to replace board of higher education with board of governors, to provide for appointment of initial chairman to board of governors by the governor and to establish staggered terms of office for the board of governors and the constituent unit boards of trustees, effective March 1, 1983; P.A. 84-241 added "of higher education" to board's title; P.A. 84-416 exempted E 9-1-1 commission from provision requiring terms of members be coterminous with governor's; P.A. 84-511 changed name of state elections commission to state elections enforcement commission; P.A. 84-546 repealed former Subsec. (c) re termination of the terms of members on July 1, 1979, relettering former Subsecs. (d) and (e) accordingly; P.A. 85-300 amended Subsec. (c) to exempt the state commission on the arts from the requirement that members' terms be coterminous with that of the governor; P.A. 85-506 amended Subsec. (c) to exempt the psychiatric security review board from provision requiring terms of members to be coterminous with governor's; P.A. 86-403 made technical change in Subsec. (b); P.A. 93-219 amended Subsec. (c) to exempt the Board of Parole from the requirement that members' terms be coterminous with that of the governor, effective July 1, 1994; P.A.

93-262 added commission on aging to the lists in Subsecs. (a) and (c) added the words "executive director of" before the words "state ethics commission", effective July 1, 1993; P.A. 93-435 made technical change re placement of phrase "executive director of" added by P.A. 93-262, effective June 28, 1993; May 25 Sp. Sess. P.A. 94-1 amended Subsec. (a) by eliminating reference to the executive director of the Commission on Aging, effective July 1, 1994. See Sec. 28-25 et seq. re state-wide emergency 9-1-1 telephone system. Subsec. (b): Cited. 22 CA 181, 185.

## **TITLE 7. MUNICIPALITIES**

### **CHAPTER 98. MUNICIPAL POWERS**

Sec. 7-148. Scope of municipal powers.

(a) Definitions. Whenever used in this section, "municipality" means any town, city or borough, consolidated town and city or consolidated town and borough. (b) Ordinances. Powers granted to any municipality under the general statutes or by any charter or special act, unless the charter or special act provides to the contrary, shall be exercised by ordinance when the exercise of such powers has the effect of: (1) Establishing rules or regulations of general municipal application, the violation of which may result in the imposition of a fine or other penalty; or (2) Creating a permanent local law of general applicability. (c) Powers. Any municipality shall have the power to do any of the following, in addition to all powers granted to municipalities under the constitution and general statutes: (1) Corporate powers. (A) Contract and be contracted with, sue and be sued, and institute, prosecute, maintain and defend any action or proceeding in any court of competent jurisdiction; (B) Provide for the authentication, execution and delivery of deeds, contracts, grants, and releases of municipal property and for the issuance of evidences of indebtedness of the municipality; (2) Finances and appropriations. (A) Establish and maintain a budget system; (B) Assess, levy and collect taxes for general or special purposes on all property, subjects or objects which may be lawfully taxed, and regulate the mode of assessment and collection of taxes and assessments not otherwise provided for, including establishment of a procedure for the withholding of approval of building application when taxes are delinquent for the property for which an application was made; (C) Make appropriations for the support of the municipality and pay its debts; (D) Make appropriations for the purpose of meeting a public emergency threatening the lives, health or property of citizens, provided such appropriations shall require a favorable vote of at least two-thirds of the entire membership of the legislative body or, when the legislative body is the town meeting, at least two-thirds of those present and voting; (E) Make appropriations to military organizations, hospitals, health care facilities, public health nursing organizations, nonprofit museums and libraries, organizations providing drug abuse and dependency programs and any other private organization performing a public function; (F) Provide for the manner in which contracts involving unusual expenditures shall be made; (G) When not specifically prescribed by general statute or by charter, prescribe the form of proceedings and mode of assessing benefits and appraising damages in taking land for public use, or in making public improvements to be paid for, in whole or in part, by special assessments, and prescribe the manner in which all benefits assessed shall be collected; (H) Provide for the bonding of municipal officials or employees by requiring the furnishing of such bond, conditioned upon honesty or faithful performance of duty and determine the amount, form, and sufficiency of the sureties thereof; (I) Regulate the method of borrowing money for any purpose for which taxes may be levied and borrow on the faith and credit of the municipality for such general or special purposes and to such extent as is authorized by general statute; (J) Provide for the temporary borrowing of money; (K) Create a sinking fund or funds or a trust fund or funds or other special funds, including funds which do not lapse at the end of the municipal fiscal year; (L) Provide for the assignment of municipal tax liens on real property to the extent authorized by general statute. (3) Property. (A) Take or acquire by gift, purchase, grant, including any grant from the United States or the state, bequest or devise and hold, condemn, lease, sell, manage, transfer, release and convey such real and personal property or interest therein absolutely or in trust as the purposes of the municipality or any public use or purpose, including that of education, art, ornament, health, charity or amusement,

cemeteries, parks or gardens, or the erection or maintenance of statues, monuments, buildings or other structures, or the encouragement of private commercial development, require. Any lease of real or personal property or any interest therein, either as lessee or lessor, may be for such term or any extensions thereof and upon such other terms and conditions as have been approved by the municipality, including without limitation the power to bind itself to appropriate funds as necessary to meet rent and other obligations as provided in any such lease; (B) Provide for the proper administration of gifts, grants, bequests and devises and meet such terms or conditions as are prescribed by the grantor or donor and accepted by the municipality; (4) Public services. (A) Provide for police protection, regulate and prescribe the duties of the persons providing police protection with respect to criminal matters within the limits of the municipality and maintain and regulate a suitable place of detention within the limits of the municipality for the safekeeping of all persons arrested and awaiting trial and do all other things necessary or desirable for the policing of the municipality; (B) Provide for fire protection, organize, maintain and regulate the persons providing fire protection, provide the necessary apparatus for extinguishing fires and do all other things necessary or desirable for the protection of the municipality from fire; (C) Provide for entertainment, amusements, concerts, celebrations and cultural activities; (D) Provide for ambulance service by the municipality or any person, firm or corporation; (E) Provide for the employment of nurses; (F) Provide for lighting the streets, highways and other public places of the municipality and for the care and preservation of public lamps, lamp posts and fixtures; (G) Provide for the furnishing of water, by contract or otherwise; (H) Provide for or regulate the collection and disposal of garbage, trash, rubbish, waste material and ashes by contract or otherwise, including prohibiting the throwing or placing of such materials on the highways; (I) Provide for the financing, construction, rehabilitation, repair, improvement or subsidization of housing for low and moderate income persons and families; (5) Personnel. (A) Provide for and establish pension systems for the officers and employees of the municipality and for the active members of any volunteer fire department or any volunteer ambulance association of the municipality, and establish a system of qualification for the tenure in office of such officers and employees, provided the rights or benefits granted to any individual under any municipal retirement or pension system shall not be diminished or eliminated; (B) Establish a merit system or civil service system for the selection and promotion of public officials and employees. Nothing in this subparagraph shall be construed to validate any merit system or civil service system established prior to May 24, 1972; (C) Provide for the employment of and prescribe the salaries, compensation and hours of employment of all officers and employees of the municipality and the duties of such officers and employees not expressly defined by the constitution of the state, the general statutes, charter or special act; (D) Provide for the appointment of a municipal historian; (6) Public works, sewers, highways. (A) Public facilities. (i) Establish, lay out, construct, reconstruct, alter, maintain, repair, control and operate cemeteries, public burial grounds, hospitals, clinics, institutions for children and aged, infirm and chronically ill persons, bus terminals and airports and their accessories, docks, wharves, school houses, libraries, parks, playgrounds, playfields, fieldhouses, baths, bathhouses, swimming pools, gymnasiums, comfort stations, recreation places, public beaches, beach facilities, public gardens, markets, garbage and refuse disposal facilities, parking lots and other off-street parking facilities, and any and all buildings or facilities necessary or convenient for carrying on the government of the municipality; (ii) Create, provide for, construct, regulate and maintain all things in the nature of public works and improvements; (iii) Enter into or upon any land for the purpose of making necessary surveys or mapping in connection with any public improvement, and take by eminent domain any lands, rights, easements, privileges, franchises or structures which are necessary for the purpose of establishing, constructing or maintaining any public work, or for any municipal purpose, in the manner prescribed by the general statutes; (iv) Regulate and protect from injury or defacement all public buildings, public monuments, trees and ornaments in public places and other public property in the municipality; (v) Provide for the planting, rearing and preserving of shade and ornamental trees on the streets and public grounds; (vi) Provide for improvement of waterfronts by a board, commission or otherwise; (B) Sewers, drainage and public utilities. (i) Lay out, construct, reconstruct, repair, maintain, operate, alter, extend and discontinue sewer and drainage systems and sewage disposal plants; (ii) Enter into or upon any land for the purpose of correcting the flow of surface water through watercourses which prevent, or may tend to prevent, the free discharge of municipal highway surface water through said courses; (iii) Regulate the laying, location and maintenance of gas pipes, water pipes, drains, sewers, poles, wires, conduits and other structures in the streets and public places of the municipality; (iv) Prohibit and regulate the discharge of drains from roofs of buildings over or upon the sidewalks, streets or other public places of the municipality or into sanitary sewers; (C) Highways and

sidewalks. (i) Lay out, construct, reconstruct, alter, maintain, repair, control, operate, and assign numbers to streets, alleys, highways, boulevards, bridges, underpasses, sidewalks, curbs, gutters, public walks and parkways; (ii) Keep open and safe for public use and travel and free from encroachment or obstruction the streets, sidewalks and public places in the municipality; (iii) Control the excavation of highways and streets; (iv) Regulate and prohibit the excavation, altering or opening of sidewalks, public places and grounds for public and private purposes and the location of any work or things thereon, whether temporary or permanent, upon or under the surface thereof; (v) Require owners or occupants of land adjacent to any sidewalk or public work to remove snow, ice, sleet, debris or any other obstruction therefrom, provide penalties upon their failure to do so, and cause such snow, ice, sleet, debris or other obstruction to be removed and make the cost of such removal a lien on such property; (vi) Grant to abutting property owners a limited property or leasehold interest in abutting streets and sidewalks for the purpose of encouraging and supporting private commercial development; (7) Regulatory and police powers. (A) Buildings. (i) Make rules relating to the maintenance of safe and sanitary housing; (ii) Regulate the mode of using any buildings when such regulations seem expedient for the purpose of promoting the safety, health, morals and general welfare of the inhabitants of the municipality; (iii) Regulate and prohibit the moving of buildings upon or through the streets or other public places of the municipality, and cause the removal and demolition of unsafe buildings and structures; (iv) Regulate and provide for the licensing of parked trailers when located off the public highways, and trailer parks or mobile manufactured home parks, except as otherwise provided by special act and except where there exists a local zoning commission so empowered; (v) Establish lines beyond which no buildings, steps, stoop, veranda, billboard, advertising sign or device or other structure or obstruction may be erected; (vi) Regulate and prohibit the placing, erecting or keeping of signs, awnings or other things upon or over the sidewalks, streets and other public places of the municipality; (vii) Regulate plumbing and house drainage; (viii) Prohibit or regulate the construction of dwellings, apartments, boarding houses, hotels, commercial buildings, youth camps or commercial camps and commercial camping facilities in such municipality unless the sewerage facilities have been approved by the authorized officials of the municipality; (B) Traffic. (i) Regulate and prohibit, in a manner not inconsistent with the general statutes, traffic, the operation of vehicles on streets and highways, off-street parking and on-street residential neighborhood parking areas in which on-street parking is limited to residents of a given neighborhood, as determined by the municipality; (ii) Regulate the speed of vehicles, subject to the provisions of the general statutes relating to the regulation of the speed of motor vehicles and of animals, and the driving or leading of animals through the streets; (C) Building adjuncts. Regulate and prohibit the construction or use, and require the removal of sinks, cesspools, drains, sewers, privies, barns, outhouses and poultry pens and houses; (D) Animals. (i) Regulate and prohibit the going at large of dogs and other animals in the streets and public places of the municipality and prevent cruelty to animals and all inhuman sports; (ii) Regulate and prohibit the keeping of wild or domestic animals, including reptiles, within the municipal limits or portions thereof; (E) Nuisance. Define, prohibit and abate within the municipality all nuisances and causes thereof, and all things detrimental to the health, morals, safety, convenience and welfare of its inhabitants and cause the abatement of any nuisance at the expense of the owner or owners of the premises on which such nuisance exists; (F) Loitering and trespassing. (i) Keep streets, sidewalks and public places free from undue noise and nuisances, and prohibit loitering thereon; (ii) Regulate loitering on private property with the permission of the owner thereof; (iii) Prohibit the loitering in the nighttime of minors on the streets, alleys or public places within its limits; (iv) Prevent trespassing on public and private lands and in buildings in the municipality; (G) Vice. Prevent vice and suppress gambling houses, houses of ill-fame and disorderly houses; (H) Public health and safety. (i) Secure the safety of persons in or passing through the municipality by regulation of shows, processions, parades and music; (ii) Regulate and prohibit the carrying on within the municipality of any trade, manufacture, business or profession which is, or may be, so carried on as to become prejudicial to public health, conducive to fraud and cheating, or dangerous to, or constituting an unreasonable annoyance to, those living or owning property in the vicinity; (iii) Regulate auctions and garage and tag sales; (iv) Prohibit, restrain, license and regulate the business of peddlers, auctioneers and junk dealers in a manner not inconsistent with the general statutes; (v) Regulate and prohibit swimming or bathing in the public or exposed places within the municipality; (vi) Regulate and license the operation of amusement parks and amusement arcades including, but not limited to, the regulation of mechanical rides and the establishment of the hours of operation; (vii) Prohibit, restrain, license and regulate all sports, exhibitions, public amusements and performances and all places where games may be played; (viii) Preserve the public peace and good order, prevent and quell riots and

disorderly assemblages and prevent disturbing noises; (ix) Establish a system to obtain a more accurate registration of births, marriages and deaths than the system provided by the general statutes in a manner not inconsistent with the general statutes; (x) Control insect pests or plant diseases in any manner deemed appropriate; (xi) Provide for the health of the inhabitants of the municipality and do all things necessary or desirable to secure and promote the public health; (xii) Regulate the use of streets, sidewalks, highways, public places and grounds for public and private purposes; (xiii) Make and enforce police, sanitary or other similar regulations and protect or promote the peace, safety, good government and welfare of the municipality and its inhabitants; (xiv) Regulate, in addition to the requirements under section 7-282b, the installation, maintenance and operation of any device or equipment in a residence or place of business which is capable of automatically calling and relaying recorded emergency messages to any state police or municipal police or fire department telephone number or which is capable of automatically calling and relaying recorded emergency messages or other forms of emergency signals to an intermediate third party which shall thereafter call and relay such emergency messages to a state police or municipal police or fire department telephone number. Such regulations may provide for penalties for the transmittal of false alarms by such devices or equipment; (xv) Make and enforce regulations preventing housing blight provided such regulations define housing blight; (8) The environment. (A) Provide for the protection and improvement of the environment including, but not limited to, coastal areas, wetlands and areas adjacent to waterways in a manner not inconsistent with the general statutes; (B) Regulate the location and removal of any offensive manure or other substance or dead animals through the streets of the municipality and provide for the disposal of same; (C) Except where there exists a local zoning commission, regulate the filling of, or removal of, soil, loam, sand or gravel from land not in public use in the whole, or in specified districts of, the municipality, and provide for the reestablishment of ground level and protection of the area by suitable cover; (D) Regulate the emission of smoke from any chimney, smokestack or other source within the limits of the municipality, and provide for proper heating of buildings within the municipality; (9) Human rights. (A) Provide for fair housing; (B) Adopt a code of prohibited discriminatory practices; (10) Miscellaneous. (A) Make all lawful regulations and ordinances in furtherance of any general powers as enumerated in this section, and prescribe penalties for the violation of the same not to exceed one hundred dollars, unless otherwise specifically provided by the general statutes. Such regulations and ordinances may be enforced by citations issued by designated municipal officers or employees, provided the regulations and ordinances have been designated specifically by the municipality for enforcement by citation in the same manner in which they were adopted and the designated municipal officers or employees issue a written warning providing notice of the specific violation before issuing the citation; (B) Adopt a code of ethical conduct; (C) Establish and maintain free legal aid bureaus; (D) Perform data processing and related administrative computer services for a fee for another municipality.

(1949 Rev., S. 619; 1953, 1955, S. 248d; 1957, P.A. 13, S. 7; 201; 354, S. 1; 1959, P.A. 359, S. 1; 1961, P.A. 187; 570; 1963, P.A. 434; 626; February, 1965, P.A. 582; 1967, P.A. 126; 805, S. 3; 830; 1969, P.A. 694, S. 20; 1971, P.A. 389, S. 1; 802, S. 1; P.A. 73-614, S. 2, 3; P.A. 75-178, S. 1, 2; P.A. 76-32; P.A. 78-331, S. 4, 58; P.A. 79-531, S. 1; 79-618, S. 1; P.A. 80-403, S. 7, 10; P.A. 81-219, S. 1, 3; P.A. 82-327, S. 5; P.A. 83-168, S. 3; 83-188, S. 1; 83-587, S. 78, 96; June Sp. Sess. P.A. 83-3, S. 1; P.A. 84-232, S. 13; P.A. 86-97, S. 2, 3; 86-229, S. 1, 2; P.A. 87-278, S. 1, 5; P.A. 88-213, S. 1, 2; 88-221, S. 1; P.A. 90-334, S. 1; P.A. 93-434, S. 18, 20; P.A. 95-7; 95-320.)

History: 1959 act authorized establishment and maintenance of parks, etc., "by a board, commission or otherwise"; 1961 acts deleted semicolon between the words "mobile home parks" and "and regulate the removal of soil, loam," etc. and added provision regulations enacted by local zoning commission would have same effect as ordinance; 1963 acts added provision for improvement of waterfronts "by a board, commission or otherwise" and added power to enact ordinances re sewer and drainage systems and sewage disposal plants and entry on land to correct surface water flow; 1965 act authorized zoning commission to regulate the filling of land not in public use; 1967 acts added power to furnish ambulance service, deleted power to set poll hours for elections and added power to regulate loitering; 1969 act deleted power to set poll hours

for electors' meetings and referenda; 1971 acts added power to fix hours of operation of amusement parks and arcades and to establish commission or board to protect and improve environment and deleted power to regulate building construction; P.A. 73-614 added power to regulate off-street parking available to public on private property; P.A. 75-178 added power to acquire and sell personal and real property for benefit of the municipality; P.A. 76-32 replaced power to regulate loitering on public property with broader power to regulate use of streets, sidewalks, etc.; P.A. 78-331 divided section into subsections and subdivisions and restored power to acquire and sell real and personal property which was inadvertently dropped in 1976 act; P.A. 79-531 added power to provide fair housing and to perform data processing services for other towns in Subsec. (a); P.A. 79-618 added power to adopt ethics code in Subsec. (a); P.A. 80-403 added power to adopt code of discriminatory practices in Subsec. (a); P.A. 81-219 reorganized the section and included powers previously reserved for charter towns under Sec. 7-194, effective October 1, 1982; P.A. 82-327 completed the revision of power begun by P.A. 81-219; P.A. 83-168 added power to regulate automatic calling devices, designated as Subsec. (c)(7)(H)(xiv); P.A. 83-188 made technical changes in Subdiv. (c)(5)(C); P.A. 83-587 substituted "7-282b" for "7-282a" in Subsec. (c)(7)(H)(xiv); June Sp. Sess. 83-3 changed term "mobile home" to "mobile manufactured home" in Subsec. (c)(7)(A)(iv); P.A. 84-232 amended Subdiv. (3) of Subsec. (c) to include encouragement of private commercial development and amended Subpara. (C) of Subdiv. (6) of Subsec. (c) to authorize grants of limited property or leasehold interests in streets and sidewalks to abutting property owners; P.A. 86-97 amended Subdiv. (5) of Subsec. (c) to include authorization to establish pension systems for members of volunteer fire departments; P.A. 86-229 amended Subpara. (K) of Subdiv. (2) of Subsec. (c) to include references to trust funds and to funds which do not lapse at the end of the municipal fiscal year and added Subpara. (I) of Subdiv. (4) of Subsec. (c) re housing for those with low or moderate incomes; P.A. 87-278 added Subpara. (D) of Subdiv. (5) of Subsec. (c) re appointment of municipal historians; P.A. 88-213 added provision in Subsec. (c)(7)(B) to allow municipalities to regulate and prohibit on-street residential neighborhood parking; P.A. 88-221 amended Subsec. (c)(10)(A) to provide that regulations and ordinances may be enforced by citations by designated municipal officers, provided the regulations and ordinances are so designated and the written warning is issued before issuance of citation; P.A. 90-334 added provision in Subsec. (c)(7)(H) to allow municipalities to make and enforce regulations preventing housing blight; P.A. 93-434 added provision in Subsec. (c)(2)(L) to allow municipalities to assign tax liens on real property, effective June 30, 1993; P.A. 95-7 amended Subsec. (c) (5) (A) to authorize municipalities to establish pensions for active members of volunteer ambulance associations; P.A. 95-320 amended Subsec. (c)(2)(B) to allow municipalities to withhold approval of building application when taxes are delinquent on the property. For constitutionality, see 95 C. 365. Vote to change compensation of town officers under this section discussed. 103 C. 424. See 104 C. 255. Grant of power to enact ordinances ordinarily implies power to repeal them. 118 C. 11. State delegated power to make traffic rules applying to all vehicles alike, but retained special power to regulate motor vehicles with specific exceptions noted in section 14-162. 125 C. 501; 135 C. 71. Cited. 102 C. 228; 119 C. 603; 129 C. 109; 133 C. 29; 135 C. 421. "Regulate" does not so much imply creating a new thing as

arranging and controlling that which already exists. 143 C. 152. Confers necessary power to adopt legislation regulating auctions. 143 C.  
698. Ordinance imposing time limitations on the occupancy of land by trailers and mobile homes held constitutional. 146 C. 697.  
Constitutionality of ordinance licensing and regulating trailer and mobile home parks discussed. 146 C. 720. Towns without zoning authorities should have power to deal with trailers and mobile homes not only in matters narrowly concerned with public health and safety but in matters concerned with economic and esthetic considerations which can affect public welfare. Id. If ordinance which is police measure imposes a fee, such fee must be reasonably proportionate to cost of administering and enforcing the ordinance. Id. Power to adopt rent control not within general delegation of police power. 147 C. 60. If charter empowers legislative body of municipality to adopt and amend its own rules of order in exercising certain legislative functions, such body need not act by ordinance or resolution. 148 C. 33, 44. Cited.  
148 C. 233. Attempt by common council to establish law department by ordinance ineffective where charter provisions were inconsistent with the exercise of such power. 152 C. 287. Cited. 152 C. 318; 158 C. 100. Cited. 166 C. 376. Cited. 181 C. 114, 118120, 123. Cited. 203 C. 267, 278. Cited. 227 C. 363, 371, 375. Cited. 1 CA 505, 507, 508. Cited. 13 CA 1, 7. Cited. 17 CA 17, 26, 37; judgment of appellate court reversed and case remanded to that court with direction to reinstate judgment of trial court, see 212 C. 570 et seq. Town limited in authority where city or borough has duplicate power. 14 CS 258. Test for powers by implication is necessity not convenience. 15 CS 344. Cited. 20 CS 464. Omission of any direct mention of a mobile home park as a permitted use of land anywhere in a town does not render zoning law void or unconstitutional. 21 CS 275. Town may regulate garbage disposal business; it cannot prohibit it. 21 CS 347. Ordinance prohibiting transportation into a town of garbage from any other town held void. Id. Zoning regulation requiring permit for commercial removal of sand and gravel not taking of property without due process. Proper exercise of police power. 25 CS 125. Does not permit adoption of original "special event" ordinance. 29 CS 48. Cited. 36 CS 74, 78, 81, 84. Cited as authority for municipality to establish monetary fine for violation of housing code. 4 Conn. Cir. Ct. 244. Subsec. (b): Subdiv. (9)(B) cited as Sec. 7-148(a)(27): 183 C. 495, 501, 502. Subdiv. (6)(C) cited. 203 C. 267, 278. Subdiv. (7)(B)(i) cited. Id., 267, 279. Cited. 234 C. 513, 538. Subsec. (c): Subdiv. (7)(H)(xiii) cited. 192 C. 399, 404. (F)(iii) cited. 195 C. 524, 532. (H)(iii) cited. Id. (H)(xiii) cited. Id. 524, 529, 532. Subdiv. (6)(A)(i) cited. 201 C. 700, 709. Subdiv. (7)(H)(iv) cited. 203 C. 14, 1622. Subdiv. (4)(F) cited. 208 C. 543, 547. Subdiv. (4)(H) cited. 212 C. 147, 149. Subdiv. (8)(C) cited. 217 C. 447, 452. Subdiv. (1)(A) cited. 237 C. 135, 147. Subdiv. (6)(A)(ii) cited. Id. Subdiv. (6)(B)(i) cited. Id. Subdiv. (7) cited. 1 CA 505, 507. (H)(iv) cited. 4 CA 261, 263, 264. Cited. 10 CA 209, 213. Subdiv. (6)(B)(i) cited. Id. Cited. 13 CA 1, 7. Subdiv. (10) (A) cited. 17 CA 17, 26; judgment reversed, see 212 C. 570 et seq. Cited. 29 CA 207, 213. Subdiv. (5) cited. 37 CS 124, 127.

## Sec. 7-169. Bingo.

(a) Definitions. The term "bingo" is defined as the name of a game in which each player receives a card

containing several rows of numbers and, as numbers are drawn or otherwise obtained by chance and publicly announced, the player first having a specified number of announced numbers appearing on his card in a continuous straight line or covering a previously designated arrangement of numbers on such card is declared the winner. The word "person" or "applicant", as used in this section, means the officer or representative of the sponsoring organization or the organization itself. The term "session" means a series of games played in one day. "Executive director" means the executive director of the Division of Special Revenue within the Department of Revenue Services who shall be responsible for the administration and regulation of bingo in the state. (b) Vote of municipality. Upon a written petition of five per cent or more of the electors of any municipality requesting the selectmen, common council or other governing body of such municipality to vote upon the question of permitting the playing of bingo within such municipality, such governing body shall vote upon such question and, if the vote is in the affirmative, it shall be permitted, subject to the restrictions herein set forth, and if the vote is in the negative, bingo shall not be permitted to be played in such municipality. When the selectmen, common council or other governing body of any municipality have voted favorably upon the question of permitting the playing of bingo within such municipality, the playing of such game shall be permitted in such municipality indefinitely thereafter, without further petition or action by such governing body, unless such governing body has forbidden the playing of said game upon a similar written petition of five per cent or more of the electors of such municipality, whereupon bingo shall not be permitted to be played after such negative vote. (c) Regulations. The executive director of the Division of Special Revenue, with the advice and consent of the Gaming Policy Board, shall adopt, in accordance with the provisions of chapter 54, such regulations as are necessary effectively to carry out the provisions of this section and section 7-169a in order to prevent fraud and protect the public, which regulations shall have the effect of law. (d) Sponsorship. No bingo game or series of bingo games shall be promoted, operated or played unless the same is sponsored and conducted exclusively by a charitable, civic, educational, fraternal, veterans' or religious organization, volunteer fire department or grange. Any such organization or group shall have been organized for not less than two years prior to its application for a bingo permit under the terms of this section. The promotion and operation of said game or games shall be confined solely to the qualified members of the sponsoring organization, except that the executive director of the Division of Special Revenue may permit any qualified member of a sponsoring organization who has registered with the executive director, on a form prepared by him for such purpose, to assist in the operation of a game sponsored by another organization. The executive director may revoke such registration for cause. (e) Application for permit. Any eligible organization desiring to operate bingo games in any municipality in which the governing body has voted to permit the playing thereof shall make application to the executive director of the Division of Special Revenue, which application shall contain a statement of the name and address of the applicant, the location of the place at which the games are to be played and the seating capacity of such place, the date or dates for which a permit is sought, the class of permit sought and any other information which the executive director reasonably requires for the protection of the public, and, upon payment of the fee hereinafter provided for, the executive director is authorized to issue such permit, provided such eligible organization has been registered by him as provided in section 7-169a. (f) Bingo permits. Permits shall be known as "Class A" which shall be annual one-day-per-week permits and shall permit the conduct of not more than forty and not less than fifteen bingo games on such day, and "Class B" which shall permit not more than forty and not less than fifteen bingo games per day for a maximum of ten successive days, and "Class C" which shall be annual one-day-per-month permits and shall permit the conduct of not more than forty and not less than fifteen bingo games on such day. "Class A" permits shall allow the playing of bingo no more than one day weekly. Not more than two "Class B" permits shall be issued to any one organization within any twelve-month period. "Class C" permits shall allow the playing of bingo no more than one day per month. (g) Permit fees. Permit fees shall be remitted to the state as follows: "Class A", seventy-five dollars; "Class B", five dollars per day; "Class C", fifty dollars. (h) Records of receipts and disbursements. Each person who operates bingo games shall keep accurate records of receipts and disbursements, which shall be available for inspection by the executive director. Any information acquired by the executive director pursuant to this subsection shall be available to the Commissioner of Public Safety upon request. (i) Prizes. Prizes offered for the winning of bingo games may consist of cash, merchandise, tickets for any lottery conducted under chapter 226, the value of which shall be the purchase price printed on such tickets, or other personal property. No permittee may offer a prize which exceeds fifty dollars in value, except that (1) a permittee may offer a prize or prizes on any one day of not less than fifty-one dollars nor more than two hundred dollars in value provided the

total value of such prizes on any one day does not exceed four hundred dollars, (2) a permittee may offer one or two winner-take-all games or series of games played on any day on which the permittee is allowed to conduct bingo provided ninety per cent of all receipts from the sale of bingo cards for said winner-take-all game or series of games shall be awarded as prizes and provided each prize awarded does not exceed five hundred dollars in value, (3) the holder of a Class A permit may offer an additional prize on a weekly basis not to exceed one hundred twenty-five dollars as a special grand prize and in the event such special grand prize is not won, the money reserved for such prize may be added to the money reserved for the next week's special grand prize, provided no special grand prize may accumulate for more than sixteen weeks or exceed a total of two thousand dollars, and (4) a permittee may award door prizes the aggregate value of which shall not exceed two hundred dollars in value. When more than one player wins on the call of the same number, the designated prize shall be divided equally to the next nearest dollar. If a permittee elects, no winner may receive a prize which amounts to less than ten per cent of the announced prize and in such case the total of such multiple prizes may exceed the statutory limit of such game. (j) Imposition of regulation fee. Any organization operating or conducting a bingo game shall file a return with the executive director, on a form prepared by him, within ten days after such game is held or within such further time as the executive director may allow, and pay to the state a fee of five per cent of the gross receipts, less the prizes awarded including prizes reserved for special grand prize games, derived from such games at each bingo session. All such returns shall be public records. The executive director shall pay each municipality in which bingo games are conducted, one-quarter of one per cent of the total money wagered less prizes awarded on such games conducted. He shall make such payment not less than four times a year and not more than twelve times a year from the fee imposed pursuant to this subsection. (k) Suspension or revocation of permit. Cease and desist order. Notice. Hearing. Penalty. (1) Whenever it appears to the executive director after an investigation that any person is violating or is about to violate any provision of this section or section 7-169a or administrative regulations issued pursuant thereto, the executive director may in his discretion, to protect the public welfare, order that any permit issued pursuant to this section be immediately suspended or revoked and that the person cease and desist from the actions constituting such violation or which would constitute such violation. After such an order is issued, the person named therein may, within fourteen days after receipt of the order, file a written request for a hearing. Such hearing shall be held in accordance with the provisions of chapter 54. (2) Whenever the executive director finds as the result of an investigation that any person has violated any provision of this section or section 7-169a or administrative regulations issued pursuant thereto or made any false statement in any application for a permit or in any report required by this section or section 7-169a or by the executive director, the executive director may send a notice to such person by certified mail, return receipt requested. Any such notice shall include (A) a reference to the section or regulation alleged to have been violated or the application or report in which an alleged false statement was made, (B) a short and plain statement of the matter asserted or charged, (C) the fact that any permit issued pursuant to this section may be suspended or revoked for such violation or false statement and the maximum penalty that may be imposed for such violation or false statement, and (D) the time and place for the hearing. Such hearing shall be fixed for a date not earlier than fourteen days after the notice is mailed. (3) The executive director shall hold a hearing upon the charges made unless such person fails to appear at the hearing. Such hearing shall be held in accordance with the provisions of chapter 54. If such person fails to appear at the hearing or if, after the hearing, the executive director finds that such person committed such a violation or made such a false statement, the executive director may, in his discretion, suspend or revoke such permit and order that a civil penalty of not more than two hundred dollars be imposed upon such person for such violation or false statement. The executive director shall send a copy of any order issued pursuant to this subdivision by certified mail, return receipt requested, to any person named in such order. (4) Whenever the executive director revokes a permit issued pursuant to this section, he shall not issue any permit to such permittee for one year after the date of such revocation. (5) Any person who promotes or operates any bingo game without a permit therefor, or who violates any provision of this section or section 7-169a or administrative regulations issued pursuant thereto, or who makes any false statement in any application for a permit or in any report required by this section or section 7-169a or by the executive director shall be fined not more than two hundred dollars or imprisoned not more than sixty days or both. (1949 Rev., S. 703; 1959, P.A. 104; February, 1965, P.A. 451, S. 26, 8; 1967, P.A. 616, S. 1, 2; P.A. 73-239, S. 1, 3; P.A. 77-439; 77-614, S. 486, 610;

P.A. 80-297, S. 1, 20; P.A. 82-472, S. 11, 183; P.A. 84-142; P.A. 85-24; P.A. 86-419, S. 4, 25; P.A. 87-1, S. 3, 7; 87-44, S. 1; 87-48, S. 1, 2; 87-582, S. 13;  
P.A. 88-363, S. 13, 7; P.A. 89-214, S. 1, 26; May Sp. Sess. P.A. 92-17, S. 1, 59; P.A. 93-13.)  
History: 1959 act added violation of any provision of section to Subsec. (k); 1965 act amended Subsec. (a) to include as winner a player covering a previously designated arrangement of numbers and to define "session", amended Subsec. (c) to authorize the commissioner of state police instead of the governing board of such municipality to make regulations and to specify that such regulations are to prevent fraud and protect the public, amended Subsec. (e) to cover "eligible organizations" instead of "persons," to require applications to be in duplicate, duly executed and verified, to require registration of organizations and to require police chief or first selectmen to forward duplicate copy to commissioner, amended Subsec. (h) to add reference to commissioner of state police, amended Subsec. (i) to eliminate prohibition against cash prizes, specifying that they may be offered, and amended Subsec. (k) to provide a penalty for violating any provision of the section or regulations or for making a false statement; 1967 act amended Subsecs. (f) and (g) to include "Class C" permits; P.A. 73-239 amended Subsec. (i) to include tickets to lotteries conducted under chapter 226 as prizes; P.A. 77-439 in Subsec. (i) increased maximum for daily total in prizes from two hundred fifty to three hundred fifty dollars, for largest special prize from fifty to one hundred dollars, and removed prohibition against extra prizes, permitting such extra prizes if total of all prizes does not exceed total permitted; P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979; P.A. 80-297 amended Subsec. (g) raising permit fees and replacing provision that all fees are property of town with formulas for dividing fees between municipality and state; P.A. 82-472, under Subsec. (c), authorized commissioner to adopt regulations in accordance with Ch. 54 and deleted reference to repealed Secs. 4-41 to 4-50; P.A. 84-142 amended Subsec. (i), increasing the maximum retail value of all prizes offered in one day from three hundred fifty to five hundred dollars and providing that holders of class B or C permits may offer a weekly grand prize; P.A. 85-24 amended Subdivs. (1) and (2) of Subsec. (i), increasing the maximum number and amount of special prizes offered in one day from one prize not to exceed one hundred dollars to two prizes not to exceed one hundred twenty-five dollars each and from four to six prizes not to exceed twenty-five dollars each; P.A. 86-419 amended (1) Subsec. (a) to include definition of "executive director", (2) Subsec. (c) to substitute executive director of the division of special revenue for commissioner of public safety, (3) Subsec. (e) to require that application for a permit be made to the executive director, changing all references appropriately, (4) Subsec. (f) to modify permit structure, retaining Class A and B permits and eliminating Class C permits, (5) Subsec. (g) to eliminate prior provisions and to specify permit fees for Class A and B permits, (6) Subsec. (h), to substitute executive director for authority authorized to issue permits and commissioner of public safety and to require that information be made available to said commissioner upon request, (7) Subsec. (i) to modify the prize structure to permit winner- take-all games, the award of door prizes and cash prizes and to eliminate the five hundred dollar a day prize limitation, and inserted new Subsec. (j) imposing a gross receipts tax on organizations with annual receipts of over twenty-five thousand dollars and relettered the remaining Subsecs. as Subsec. (k) substituting executive director for authority granting any such permit and

Subsec. (l) substituting executive director for commissioner of public safety, effective October 1, 1987; P.A. 87-1 made technical corrections; P.A. 87-44 amended Subsec. (c) to require executive director to adopt regulations with the advice and consent of gaming policy board; P.A. 87-48 amended Subsec. (f), extending the expiration date for "Class B" permits from September fifteenth to the thirtieth, effective from April 14, 1987, to October 1, 1987; P.A. 87-582 amended Subsec. (b), effective from July 7, 1987, until October 1, 1987, (1) eliminating requirement re affirmative votes for two successive years upon question to permit indefinite bingo playing, instead requiring one affirmative vote to permit such playing, and (2) providing that any municipality which permitted bingo prior to July 7, 1987, shall be deemed to have been in compliance with provisions of subsection and, effective October 1, 1987, deleted all references to September first and September fifteenth and eliminated requirement re affirmative votes for two successive years upon question to permit indefinite bingo playing, instead requiring one affirmative vote to permit such playing; P.A. 88-363 amended (1) Subsec. (c) to delete reference to repealed Sec. 7-169b, (2) Subsec. (d) to permit any registered member of a sponsoring organization to assist in the operation of a game sponsored by another organization and to permit the revocation of such registration for cause, (3) Subsec. (f) to provide that a maximum of two "Class B" permits shall be issued within a one-year period, (4) Subsec. (g) to require a "Class B" permit fee of five dollars per day in lieu of fifty dollars, (5) Subsec. (i) to allow permittee to offer a greater variety of games and prizes, including one or two winner-take-all games, a special grand prize and the prizes specified in Subdiv. (1); (6) Subsec. (j) to delete requirement that each organization with annual gross receipts of over twenty- five thousand dollars file an annual return and to require each organization conducting bingo to pay a fee to the state in lieu of a tax of five per cent of the gross receipts, less prizes awarded, including special grand prizes, derived from such games at each bingo session, and to require executive director to pay each municipality in which bingo games are conducted not less than four times and not more than twelve times a year in lieu of annually not later than August thirty-first, effective May 2, 1988, and applicable to bingo games conducted on or after July 1, 1988, and (7) Subsec. (l) to delete references to repealed Sec. 7-169b; P.A. 89-214 deleted all language in Subsec. (k) and inserted new Subdivs. (1) to (4), inclusive, (1) authorizing executive director to immediately suspend or revoke any permit and issue cease and desist orders, (2) authorizing executive director to send notice to any person violating any provision of Secs. 7-169 and 7-169a and specifying requirements for notice, (3) requiring executive director to hold a hearing upon charges made and authorizing him to suspend or revoke any permit and order imposition of a civil penalty, and (4) prohibiting executive director from issuing any permit for one year after date of revocation whenever he revokes a permit, and designated former Subsec. (l) as Subdiv. (5) under Subsec. (k); May Sp. Sess. P.A. 92-17 amended Subsec. (f) to establish a "Class C" permit as an annual one-day-per-month permit and to provide that such permits shall allow playing of bingo no more than one day per month, and amended Subsec. (g) to establish a permit fee of fifty dollars for a "Class C" permit; P.A. 93-13 amended Subdiv. (3) of Subsec. (i) to increase maximum period within which special grand prize may accumulate from twelve to sixteen weeks, and amount of such prize from total of fifteen hundred to two thousand dollars.

"Class B" permit does not permit bingo games on Sunday. Under section 53-300, bingo is a secular business. 154 C. 583. Cited. 22 CA 229, 237; judgment reversed and case remanded to appellate court with direction to remand it to trial court for further proceedings, see 217 C. 612 et seq. Cited. 33 CS 169.

#### Sec. 7-169a. Registration with executive director of Division of Special Revenue.

Every organization desiring to apply for a permit under subsection (e) of section 7-169 to operate bingo games shall, before making any such application, register with the executive director of the Division of Special Revenue on forms furnished by him and secure an identification number. All applications for permits, amendment of permits, reports and any other papers relating to games of bingo shall bear the identification number of the organization involved. Neither registration nor the assignment of an identification number, which may be revoked for cause, shall constitute, or be any evidence of, the eligibility of any organization to receive a permit for or to conduct any game of bingo. (February, 1965, P.A. 451, S. 1; P.A. 77-614, S. 486, 610; P.A. 86-419, S. 5, 25.) History: P.A. 77-614 substituted commissioner of public safety for commissioner of state police, effective January 1, 1979; P.A. 86-419 substituted executive director of division of special revenue for commissioner of public safety, effective October 1, 1987.

#### Sec. 7-169b. Report re receipts, expenses and profit.

Section 7-169b is repealed. (February, 1965, P.A. 451, S. 7; P.A. 77-614, S. 486, 610; P.A. 78-280, S. 12, 127; P.A. 81-276, S. 1; P.A. 86-419, S. 6, 25; P.A. 88-363, S. 6, 7.)

#### Sec. 7-169c. Recreational bingo for senior citizens.

Registration. Records. Regulations. (a) Any organization whose membership consists of persons sixty years of age or over may operate and conduct bingo games on and after January 1, 1989, for the amusement and recreation of its members without a permit as required by section 7-169 provided (1) such organization has registered with and applied for and received an identification number from the executive director of the Division of Special Revenue, (2) such organization does not charge an admission fee in excess of one dollar, (3) the prize or prizes awarded do not exceed five dollars in value, either in cash or merchandise, and (4) only active members of such organization assist in the operation of the bingo games without compensation. The executive director may revoke any such registration for cause. (b) Each such organization which operates bingo games shall keep accurate records of receipts and disbursements, which shall be available for inspection by the executive director. (c) Each such organization shall be exempt from the provisions of sections 7-169 and 7-169a. (d) The executive director of the Division of Special Revenue, with the advice and consent of the Gaming Policy Board, shall adopt, in accordance with the provisions of chapter 54, such regulations as are necessary effectively to carry out the provisions of this section in order to prevent fraud and protect the public, which regulations shall have the effect of law. (P.A. 88-363, S. 5, 7.)

#### Secs. 7-169d to 7-169g. Reserved for future use.

## Sec. 7-169h. Sealed tickets.

Definitions. Permits to sell. Fees. Regulations. Suspension or revocation of permit. Cease and desist order. Notice. Hearing. Penalty. (a) For the purposes of this section: (1) "Executive director" means the executive director of the Division of Special Revenue within the Department of Revenue Services who shall be responsible for the regulation of the distribution and sale of sealed tickets in the state; (2) "Division" means the Division of Special Revenue within the Department of Revenue Services; (3) "Sealed ticket" means a card with tabs which, when pulled, expose pictures of various objects, symbols or numbers and which entitles the holder of the ticket to receive a prize if the combination of objects, symbols or numbers pictured matches what is determined to be a winning combination. (b) No person shall sell, offer for sale or distribute a sealed ticket who has not applied for and received a permit from the division to sell sealed tickets. (c) (1) On and after October 1, 1987, the division may issue a permit to sell sealed tickets to any organization or group specified in subsection (d) of section 7-169 which holds a bingo permit issued in accordance with the provisions of section 7-169. Such permit shall be renewed annually. (2) The division may issue a permit to sell sealed tickets to any organization or group specified in subsection (d) of section 7-169 which holds a club permit or nonprofit club permit under the provisions of chapter 545. Such permit shall be renewed annually. (3) The division may issue a permit to sell sealed tickets to any organization or group specified in section 7-172 which holds a permit to operate a bazaar, issued in accordance with the provisions of sections 7-170 to 7-186, inclusive. (4) The division may issue a permit to sell sealed tickets to any charitable, civic, educational, fraternal, veterans' or religious organization, volunteer fire department, grange or political party or town committee thereof which holds a permit to operate games of chance, issued in accordance with the provisions of sections 7-186a to 7-186p, inclusive. (d) Permittees shall purchase sealed tickets from the division at a cost which is equal to ten per cent of their resale value. (e) Notwithstanding the provisions of subsection (b) of section 53-278b and subsection (d) of section 53-278c, sealed tickets may be sold, offered for sale, displayed or open to public view only (1) during the course of a bingo game conducted in accordance with the provisions of section 7-169 and only at the location at which such bingo game is conducted, (2) on the premises of any such organization or group specified in subdivision (2) of subsection (c) of this section, (3) during the conduct of a bazaar under the provisions of sections 7-170 to 7-186, inclusive, or (4) during the operation of games of chance under the provisions of sections 7-186a to 7-186p, inclusive. Permittees may utilize a mechanical or electronic ticket dispensing machine approved by the division to sell sealed tickets. Sealed tickets shall not be sold to any person less than eighteen years of age. All proceeds from the sale of tickets shall be used for a charitable purpose as defined in section 21a-190a. (f) The fee for a permit to sell sealed tickets (1) issued to an organization authorized to conduct bingo under a "class A" permit shall be fifty dollars, (2) issued to an organization which holds a club permit or nonprofit club permit under the provisions of chapter 545 shall be seventy-five dollars, and (3) issued to an organization authorized to conduct bingo under a "class B" permit or an organization which holds a permit to operate a bazaar or games of chance shall be five dollars per day. (g) The executive director, with the advice and consent of the Gaming Policy Board, shall adopt regulations in accordance with the provisions of chapter 54 to carry out the purposes of this section including, but not limited to, regulations concerning (1) qualifications of a charitable organization, (2) the price at which the charitable organization shall resell tickets, (3) information required on the ticket, including, but not limited to, the price per ticket, (4) the percentage retained by the organization as profit, which shall be at least ten per cent of the resale value of tickets sold, (5) the percentage of the resale value of tickets to be awarded as prizes, which shall be at least forty-five per cent, (6) apportionment of revenues received by the division from the sale of tickets and (7) investigations of any charitable organization seeking a permit. (h) (1) Whenever it appears to the executive director of the Division of Special Revenue after an investigation that any person is violating or is about to violate any provision of this section or administrative regulations issued pursuant thereto, the executive director may in his discretion, to protect the public welfare, order that any permit issued pursuant to this section be immediately suspended or revoked and that the person cease and desist from the actions constituting such violation or which would constitute such violation. After such an order is issued, the

person named therein may, within fourteen days after receipt of the order, file a written request for a hearing. Such hearing shall be held in accordance with the provisions of chapter 54. (2) Whenever the executive director finds as the result of an investigation that any person has violated any provision of this section or administrative regulations issued pursuant thereto or made any false statement in any application for a permit or in any report required by the executive director, the executive director may send a notice to such person by certified mail, return receipt requested. Any such notice shall include (A) a reference to the section or regulation alleged to have been violated or the application or report in which an alleged false statement was made, (B) a short and plain statement of the matter asserted or charged, (C) the fact that any permit issued pursuant to this section may be suspended or revoked for such violation or false statement and the maximum penalty that may be imposed for such violation or false statement, and (D) the time and place for the hearing. Such hearing shall be fixed for a date not earlier than fourteen days after the notice is mailed. (3) The executive director shall hold a hearing upon the charges made unless such person fails to appear at the hearing. Such hearing shall be held in accordance with the provisions of chapter 54. If such person fails to appear at the hearing or if, after the hearing, the executive director finds that such person committed such a violation or made such a false statement, the executive director may, in his discretion, suspend or revoke such permit and order that a civil penalty of not more than two hundred dollars be imposed upon such person for such violation or false statement. The executive director shall send a copy of any order issued pursuant to this subdivision by certified mail, return receipt requested, to any person named in such order. (4) Whenever the executive director revokes a permit issued pursuant to this section, he shall not issue any permit to such permittee for one year after the date of such revocation.

(P.A. 86-419, S. 7, 25; P.A. 88-363, S. 4, 7; P.A. 89-214, S. 2, 3, 26; P.A. 90-11; P.A. 91-73, S. 1, 4.)  
History: P.A. 86-419, S. 7 effective April 1, 1987; P.A. 88-363 amended (1) Subsec. (b) to require renewal of permit annually, (2) Subdiv. (2) of Subsec. (c) to delete one-year limitation on issuance of permits to organizations holding a club or nonprofit club permit and provision that such organization not be authorized to conduct bingo, (3) Subdiv. (2) of Subsec. (e) to delete one-year limitation, and (4) Subdiv. (4) of Subsec. (h) to substitute "ten per cent" for "thirty per cent"; P.A. 89-214 amended (1) Subsec. (a)(3) to permit sealed tickets to contain symbols or numbers, (2) Subsec. (c), in Subdivs. (1) and (2) to required that such permit be renewed annually, to add Subdivs. (3) and (4) re issuance of permit to certain organizations who hold permits to operate bazaars or games of chance, (3) Subsec. (e) to add Subdivs. (3) and (4), permitting sealed tickets to be sold, offered for sale or displayed during conduct of bazaar or operation of games of chance and to allow permittees to use mechanical or electronic ticket dispensing machines, (4) Subsec. (f) to subdivide into three Subdivs., specifying fees for various organizations, deleted Subsec. (g) re authority to revoke permit, relettering remaining Subsec. accordingly and added new Subsec. (h) as follows: (1) Subdiv. (1) authorizing executive director to immediately suspend or revoke any permit and issue cease and desist orders, (2) Subdiv. (2) authorizing executive director to send notice to any person violating any provision of this section and specifying requirements for notice, (3) Subdiv. (3) requiring executive director to hold a hearing upon charges made and authorizing him to order imposition of a civil penalty, and (4) Subdiv. (4) prohibiting executive director from issuing any permit for one year after date of revocation whenever he revokes permit; P.A. 90-11 amended Subdiv. (3) of Subsec. (h) to authorize executive director to suspend or revoke permit; P.A. 91-73 made a technical correction in Subsec. (e), substituting reference to Sec. 21a-190a for Sec. 21a-176.

Sec. 7-170. Bazaars and raffles; definitions.

Wherever used in sections 7-171 to 7-186, inclusive, "bazaar" means a place maintained by a sponsoring organization for the disposal of merchandise awards by means of chance; "raffle" means an arrangement for raising money by the sale of tickets, certain among which, as determined by chance after the sale, entitle the holders to prizes; and "applicant" means the sponsoring organization.  
(1955, S. 291d.)  
Cited. 33 CS 169.

#### Sec. 7-171. Adoption of bazaar and raffle law.

Any town, city or borough may, by ordinance, adopt the provisions of sections 7-170 to 7-186, inclusive, and the chief executive authority of any town, city or borough shall, upon the petition of at least five per cent of the electors of such municipality as determined by the last-completed registry list, submit the question of adopting the provisions of sections 7-170 to 7-186, inclusive, to a vote of the electors of such municipality at a special meeting called for such purpose within twenty-one days after the receipt of such petition. Such petition shall contain the street addresses of the signers and shall be submitted to the municipal clerk, who shall certify thereon the number of names of electors on such petition, which names are on the last-completed registry list. Each page of such petition shall contain a statement, signed under the penalties of false statement, by the person who circulated the same, that each person whose name appears on such page signed the same in person and that the circulator either knows each such signer or that the signer satisfactorily identified himself to the circulator. The warning for such meeting shall state that the purpose of such meeting is to vote on the adoption of the provisions of said sections. Such vote shall be taken and the results thereof canvassed and declared in the same manner as is provided for the election of officers of such municipality. The vote on such adoption shall be taken by a "YES" and "NO" vote on the voting machine and the designation of the question on the voting machine ballot label shall be "Shall the operation of bazaars and raffles be allowed?" and such ballot label shall be provided for use in accordance with the provisions of section 9-250. If, upon the official determination of the result of such vote, it appears that the majority of all the votes so cast are in approval of such question, the provisions of said sections shall take effect immediately. Any town, city or borough, having once voted on the question of allowing bazaars and raffles as herein provided, shall not vote again on such question within two years from the date of the previous vote thereon. Any subsequent vote thereon shall be taken at the next regular town, city or borough election following the receipt of a petition as herein provided, which petition shall be filed at least sixty days prior to such election, and such question may be so voted upon only at intervals of not less than two years. Any town, city or borough which, prior to October 1, 1957, has voted more than once on such question, shall, for the purposes of this section, be treated as though it had voted only once thereon.

(1955, S. 292d; 1957, P.A. 378; 1971, P.A. 871, S. 59; P.A. 73-55, S. 1, 2; P.A. 86-170, S. 4, 13; P.A. 87-320, S. 3.)

History: 1971 act substituted "false statement" for "perjury"; P.A. 73-55 added provision that municipalities may adopt provisions of Secs.

7-170 to 7-186 by ordinance; P.A. 86-170 required that ballot label designation be in form of question; P.A. 87-320 repealed clause prohibiting

absentee voting for a vote under this section and required petition for subsequent vote to be fixed at least sixty days, instead of twenty-one days, prior to such election.

#### Sec. 7-172. Qualifications for sponsorship of or participation in bazaar or raffle.

Ticket sale. No bazaar or raffle may be promoted, operated or conducted in any municipality after the adoption of the provisions of sections 7-170 to 7-186, inclusive, unless it is sponsored and conducted exclusively by (1) an officially recognized organization or association of veterans of any war in which the

United States has been engaged, (2) a church or religious organization, (3) a civic or service club, (4) a fraternal or fraternal benefit society, (5) an educational or charitable organization, (6) an officially recognized volunteer fire company, (7) a political party or town committee thereof or (8) a municipality acting through a committee designated to conduct a celebration of the municipality's founding on its hundredth anniversary or any multiple thereof. Any such sponsoring organization, except a committee designated pursuant to subdivision (8) of this section, shall have been organized in good faith and actively functioning as a nonprofit organization within the municipality that is to issue the permit for a period of not less than six months prior to its application for a permit under the provisions of said sections. The promotion and operation of a bazaar or raffle shall be confined solely to the qualified members of the sponsoring organization, provided a committee designated pursuant to subdivision (8) of this section may promote or operate through its members and any officially appointed volunteers. No such member or officially appointed volunteer in the case of a raffle held pursuant to subdivision (8) of this section may receive remuneration in any form for time or effort devoted to the promotion or operation of the bazaar or raffle. No person under the age of eighteen years may promote, conduct, operate or work at a bazaar or raffle and no person under the age of sixteen years may sell or promote the sale of any raffle tickets, nor shall any sponsoring organization permit any person under the age of eighteen to so promote, conduct or operate any bazaar or raffle or any person under the age of sixteen to sell or promote the sale of such tickets. Any sponsoring organization having received a permit from any municipality may sell or promote the sale of such raffle tickets in that municipality and in any other town, city or borough which has adopted the provisions of sections 7-170 to 7-186, inclusive. All funds derived from any bazaar or raffle shall be used exclusively for the purpose stated in the application of the sponsoring organization as provided in section 7-173.

(1955, S. 293d; 1957, P.A. 284; 1972, P.A. 127, S. 9, 251; P.A. 81-73; P.A. 86-419, S. 3, 25; May Sp. Sess. P.A. 92-17, S. 2, 59; P.A. 95-59, S. 2, 3.)

History: 1972 acts changed age of majority to eighteen and allowed political party or town committee to conduct bazaars and raffles; P.A. 81-73

replaced the requirement that a sponsoring organization function within the state for a period of at least three years with a requirement that it

function within the municipality that is to issue the permit for at least three years; P.A. 86-419 decreased the period of time a sponsoring

organization shall be actively functioning as a nonprofit organization from three years to one year; May Sp. Sess. P.A. 92-17 added Subdiv. (8)

to authorize a municipal founding celebration committee to sponsor and conduct a bazaar or raffle, exempted such committee from requirement

that sponsoring organization be nonprofit, permitted such committee to promote or operate bazaars or raffles through its members and officially

appointed volunteers and prohibited officially appointed volunteers from receiving remuneration for time devoted to operation of bazaars or

raffles; P.A. 95-59 changed the length of time a sponsoring organization must be nonprofit within the municipality issuing the permit from one

year to six months, effective May 31, 1995.

### Sec. 7-173. Application for permit.

Any organization desiring to operate a bazaar or raffle in a municipality which has adopted the provisions of sections 7-170 to 7-186, inclusive, shall make application in duplicate, duly executed and verified, to the chief of police of any municipality having a police department or to the first selectman of any town in which there is no police department, on a form to be prescribed by the executive director of the Division of Special Revenue, in which shall be stated (a) the name and address of the applicant; (b) facts relating to its incorporation or organization; (c) the names, titles and addresses of its officers; (d) the kind of bazaar or raffle intended to be held, operated and conducted by the applicant; (e) the place where such bazaar or raffle is intended to be conducted by the applicant under the permit applied for; (f) the date or dates and the time or times when such bazaar or raffle is intended to be conducted by the applicant under the permit

applied for; (g) in the case of a raffle, the number and price of tickets intended to be sold; (h) the items of expense intended to be incurred or paid in connection with the holding, operating and conducting of such bazaar or raffle and the names and addresses of the persons to whom, and the purposes for which, they are to be paid; (i) the items of merchandise offered, the price to be paid by the organization therefor or the retail value of any prize donated, and the names and addresses of the persons from whom purchased or by whom donated; (j) the specific purposes to which the entire net proceeds of such bazaar or raffle are to be devoted and in what manner, and (k) any other information which the executive director reasonably requires for the protection of the public. In each application there shall be designated three active members of the applicant under whom the bazaar or raffle described in the application is to be held, operated and conducted and to the application shall be appended a statement signed, under penalty of false statement, by such members so designated that they are electors of the municipality in which the permit is sought and will be responsible for the holding, operation and conduct of such bazaar or raffle in accordance with the terms of the permit and the provisions of said sections, and that the statements contained in the application are, to the best of their knowledge and belief, true. Such chief of police or first selectman, as the case may be, shall, at least five business days prior to the date of such bazaar or raffle, forward the original copy of such application to said executive director who shall review such application to determine whether the applicant is qualified to hold, operate and conduct a bazaar or raffle under the provisions of sections 7-170 to 7-186, inclusive, or any regulations adopted pursuant thereto, and whether other requirements in said statutes and regulations have been satisfied. For the purposes of applying for a "Class No. 7" permit, authorized pursuant to section 7-175, the application required pursuant to this section shall be made to the executive director of the Division of Special Revenue. (1955, S. 296d; 1971, P.A. 871, S. 60; P.A. 77-614, S. 486, 610; P.A. 86-419, S. 8, 25; P.A. 89-214, S. 4, 26; May Sp. Sess. P.A. 92-17, S. 3, 59.)

History: 1971 act substituted "false statement" for "perjury"; P.A. 77-614 substituted commissioner of public safety for commissioner of state police, effective January 1, 1979; P.A. 86-419 substituted executive director of division of special revenue for commissioner of public safety, effective October 1, 1987; P.A. 89-214 required police chief or first selectman to forward original copy of application to executive director who shall review application to determine qualifications of applicant to hold, operate and conduct a bazaar or raffle; May Sp. Sess. P.A. 92-17 required that application for "Class No. 7" permit be made to executive director of division of special revenue.

#### Sec. 7-174. Investigation of applicant.

Such chief of police or first selectman, as the case may be, shall, on behalf of the executive director of the Division of Special Revenue, make or cause to be made an investigation of the qualifications of the applicant and the facts stated in the application and, if he determines that the applicant is qualified to hold, operate and conduct a bazaar or raffle under the provisions of sections 7-170 to 7-186, inclusive, that the members of the applicant designated in the application to hold, operate or conduct such bazaar or raffle are electors of such municipality, bona fide active members of the applicant and persons of good moral character and have never been convicted of a felony and that such bazaar or raffle is to be held, operated and conducted in accordance with the provisions of said sections, he shall, with the approval of the executive director, issue a permit to such applicant. Upon issuing such permit, such chief of police or selectman shall forward to the executive director the state's share of the permit fee, if any. Any investigation required pursuant to this section of the qualifications of an applicant for a "Class No. 7" permit, authorized pursuant to section 7-174, shall be made by the executive director of the Division of Special Revenue. (1955, S. 298d; 1961, P.A. 115, S. 1; P.A. 77-614, S. 486, 610; P.A. 86-419, S. 9, 25; P.A. 89-214, S. 5, 26; May Sp. Sess. P.A. 92-17, S. 4, 59.)

History: 1961 act added words "if any" to end of last sentence; P.A. 77-614 substituted commissioner of public safety for commissioner of state

police, effective January 1, 1979; P.A. 86-419 substituted executive director of division of special revenue for commissioner of public safety, effective October 1, 1987; P.A. 89-214 required police chief or first selectman (1) to conduct investigation of applicant on behalf of executive director of division of special revenue, (2) to issue permit to applicant with the approval of executive director, and (3) to forward state's share of permit fee to executive director rather than application fee, deleting requirement of forwarding duplicate of application; May Sp. Sess. P.A. 92-17 required that any investigation re qualifications of applicant for "Class No. 7" permit be made by executive director of division of special revenue.

### Sec. 7-175. Kinds of permits.

Permits under the provisions of sections 7-170 to 7-186, inclusive, shall be of seven kinds. "Class No. 1" permits shall allow the operation of a raffle which shall be consummated within three months of the granting of the permit and the aggregate value of the prize or prizes offered shall be not more than fifteen thousand dollars. "Class No. 2" permits shall allow the operation of a raffle which shall be consummated within two months of the granting of the permit and the aggregate value of the prize or prizes offered shall be not more than two thousand dollars. "Class No. 3" permits shall permit the operation of a bazaar for a period of not more than ten consecutive days, excluding legal holidays and holy days on which the bazaar is not functioning. Any bazaar held under the authority of any such permit shall be held within six months of the granting of such permit. "Class No. 4" permits shall allow the operation of a raffle which shall be consummated within one month of the granting of the permit and the aggregate value of the prize or prizes offered shall be not more than one hundred dollars. "Class No. 5" permits shall allow the operation of a raffle which shall be consummated within six months of the granting of the permit and the aggregate value of the prize or prizes offered shall be not more than fifty thousand dollars. "Class No. 6" permits shall allow the operation of a raffle which shall be consummated within nine months of the granting of the permit and the aggregate value of the prize or prizes offered shall be not more than one hundred thousand dollars. "Class No. 7" permits shall allow the operation of a raffle which shall be consummated within fifteen months of the granting of the permit, shall allow no more than twelve prize drawings on separate dates and the aggregate value of the prize or prizes offered shall be not more than fifty thousand dollars. No more than one "Class No. 1" permit, two "Class No. 3" permits, one "Class No. 4" permit, one "Class No. 5" permit, one "Class No. 6" permit or three "Class No. 2" permits shall be issued to any qualifying organization within any one calendar year. The aggregate value of prizes offered under any of such permits shall represent the amount paid by the applicant for the prize or prizes or the retail value of the same if donated.

(1955, S. 294d; 1961, P.A. 115, S. 2; 1963, P.A. 110; P.A. 76-81, S. 1; P.A. 79-79; P.A. 81-383, S. 1; P.A. 82-462, S. 1, 3; 82-472, S. 12, 183; P.A. 83-35, S. 1; 83-587, S. 95, 96; P.A. 89-214, S. 6, 26; May Sp. Sess. P.A. 92-17, S. 5, 59; P.A. 93-332, S. 38, 42.)

History: 1961 act created "Class No. 4" permit; 1963 act increased aggregate value of prizes under "Class No. 1" permits from five thousand to seventy-five hundred dollars; P.A. 76-81 raised maximum value of prizes offered under Class 1 permits from seventy-five hundred to ten thousand dollars; P.A. 79-79 raised prize limit under Class 1 permits to fifteen thousand dollars, under Class 2 permits from one to two thousand dollars and under Class 4 permits from fifty to one hundred dollars; P.A. 81-383 added "Class No. 5" and "Class No. 6" permits; P.A. 82-462 required all Class No. 6 permits to be obtained on or before June 30, 1983 and expanded the use of the proceeds under such permit in provisions designated as Subdivs. (2) to (5); P.A. 82-472 transferred, within the section, provision limiting issuance of "Class No. 3" permit; P.A. 83-35

deleted reference to Sundays as a day on which a bazaar is not operating under the Class No. 3 permits; P.A. 83-587 provided that public act 83-35 shall take effect July 1, 1983, rather than October 1, 1983; P.A. 89-214 eliminated the proviso under "Class No. 6" permits, restricting time for obtaining permits and use of net proceeds of raffles under such permits in Subdivs. (1) to (5), inclusive; May Sp. Sess. P.A. 92-17 added provisions re "Class No. 7" permit; P.A. 93-332 amended section to change the number of "Class No. 3" permits issued annually to any qualifying organization from one to two, effective June 25, 1993.

#### Sec. 7-175a. Marketability of title to real property as prize under "Class No.6" permit.

Section 7-175a is repealed.  
(P.A. 82-462, S. 2, 3; P.A. 89-214, S. 25, 26.)

#### Sec. 7-176. Permit fees.

The fees to be charged for permits shall be as follows: A "Class No. 1" permit, fifty dollars, twenty-five dollars to be retained by the municipality and twenty-five dollars remitted to the state; a "Class No. 2" permit, twenty dollars, ten dollars to be retained by the municipality and ten dollars to be remitted to the state; a "Class No. 3" permit, twenty dollars for each day of the bazaar, ten dollars to be retained by the municipality and ten dollars to be remitted to the state; a "Class No. 4" permit, five dollars, to be retained by the municipality; a "Class No. 5" permit, eighty dollars, forty dollars to be retained by the municipality and forty dollars remitted to the state; a "Class No. 6" permit, one hundred dollars, fifty dollars to be retained by the municipality and fifty dollars remitted to the state and a "Class No. 7" permit, one hundred dollars to be retained by the state.  
(1955, S. 297d; 1961, P.A. 115, S. 3; P.A. 80-297, S. 2, 20; P.A. 81-383, S. 2; May Sp. Sess. P.A. 92-17, S. 6, 59.)  
History: 1961 act added "Class No. 4" permit; P.A. 80-297 increased Class 1 permit fee from thirty-five to fifty dollars, Class 2 fee from ten to twenty dollars and Class 3 fee from fifteen to twenty dollars and raised proportionate amount of fee accruing to state; P.A. 81-383 added fees for "Class No. 5" and "Class No. 6" permits; May Sp. Sess. P.A. 92-17 added fee for "Class No. 7" permit.

#### Sec. 7-177. Prizes.

All prizes given at any bazaar or raffle shall be merchandise, tangible personal property or a ticket, coupon or gift certificate, which shall not be refundable or transferable, entitling the winner to merchandise, tangible personal property, services, transportation on a common carrier by land, water or air and to any tour facilities provided in connection therewith, or to participation in a lottery conducted under chapter 226. Cash prizes or prizes consisting of alcoholic liquor shall not be given nor shall any prize be redeemed or redeemable for cash, except tickets for a lottery conducted under chapter 226. For the purposes of this section, coins whose trading value exceeds their face value and coins not commonly in circulation shall not be deemed a cash prize.  
(1955, S. 295d; 1957, P.A. 328; P.A. 73-239, S. 2, 3; P.A. 81-383, S. 3; P.A. 89-214, S. 7, 26; P.A. 90-15, S. 1, 2.)  
History: P.A. 73-239 allowed prizes to consist of lottery tickets; P.A. 81-383 added real property as a permissible prize under a "Class No. 6" permit; P.A. 89-214 deleted reference to prizes of real property in the case of a raffle conducted under a "Class No. 6" permit; P.A. 90-15 allowed

prizes to consist of gift certificates entitling winner to merchandise, tangible personal property or services and specified that certain coins would not be deemed a cash prize.

#### Sec. 7-178. Equipment.

Expenses. Information required on raffle ticket. Rental from out-of-state dealer. (a) No bazaar or raffle shall be conducted with any equipment except such as is owned absolutely or used without payment of any compensation therefor by the permittee or as is rented from a dealer in such equipment who (1) has a principal place of business in this state, and (2) is registered with the executive director of the Division of Special Revenue in such manner and on such form as he may prescribe, which form shall be accompanied by an annual fee of three hundred dollars payable to the Treasurer of the state of Connecticut. No item of expense shall be incurred or paid in connection with the holding, operating or conducting of any bazaar or raffle pursuant to any permit issued under sections 7-170 to 7-186, inclusive, except such as are bona fide items of reasonable amount for goods, wares and merchandise furnished or services rendered, which are reasonably necessary to be purchased or furnished for the holding, operating or conducting thereof, and no commission, salary, compensation, reward or recompense whatever shall be paid or given, directly or indirectly, to any person holding, operating or conducting, or assisting in the holding, operation or conduct of, any such bazaar or raffle. Each raffle ticket shall have printed thereon the time, date and place of the raffle, the three most valuable prizes to be awarded and the total number of prizes to be awarded as specified on the form prescribed in section 7-173. In addition to any other information required under this section to be printed on a raffle ticket, each ticket for a raffle authorized pursuant to a "Class No. 7" permit shall have printed thereon the time, date and place of each raffle drawing. (b) Notwithstanding the provisions of subsection (a) of this section, a permittee may rent equipment from a dealer who does not have a principal place of business in this state if an in-state dealer is unavailable, provided such out-of-state dealer is registered with said executive director pursuant to the provisions of said subsection (a).

(1955, S. 299d; P.A. 76-81, S. 2; P.A. 77-492; 77-614, S. 486, 587, 610; P.A. 78-303, S. 85, 136; P.A. 83-35, S. 2; 83-587, S. 95, 96; P.A. 86-419, S. 10,

25; P.A. 89-214, S. 8, 26; May Sp. Sess. P.A. 92-17, S. 7, 59; P.A. 96-102, S. 1, 2.)

History: P.A. 76-81 required tickets to be printed with three most valuable prizes and total number of prizes; P.A. 77-492 added exception to prohibition of bazaars and raffles on Sunday; P.A. 77-614 and P.A. 78-303 substituted commissioner of public safety for commissioner of state police and made state police department a division within the department of public safety, effective January 1, 1979; P.A. 83-35 eliminated the prohibition against Sunday bazaars or raffles; P.A. 83-587 provided that public act 83-35 shall take effect July 1, 1983, rather than October 1, 1983; P.A. 86-419 substituted division of special revenue for state police and executive director of said division for commissioner of public safety, effective October 1, 1987; P.A. 89-214 (1) made format changes in section, inserting Subdivs. (1) and (2) and making technical changes as required; (2) required that registration form be accompanied by annual fee of three hundred dollars payable to state treasurer; and (3) required tickets to be printed with time of raffle thereon; May Sp. Sess. P.A. 92-17 required each ticket for a raffle authorized under a "Class No. 7" permit to include the time, date and place of each drawing; P.A. 96-102 designated existing section as Subsec. (a) and made technical change therein and added Subsec. (b), conditionally authorizing permittee to rent equipment from out-of-state dealer, effective April 25, 1996.  
Cited. 196 C. 623, 630.

Sec. 7-179. Advertising restricted.

No bazaar or raffle to be conducted under any permit issued under the provisions of sections 7-170 to 7-186, inclusive, shall be advertised as to its location, the time when it is to be or has been held or the prizes awarded or to be awarded, by means of television or sound truck or by means of billboards, provided one sign, not exceeding twelve square feet, may be displayed on the premises where the drawing or allotment of prizes is to be held and also where the prizes are or will be exhibited. (1955, S. 300d.)

Sec. 7-180. Change in facts on application to be reported.

If there is any change in the facts set forth in the application for a permit subsequent to the making of such application, the applicant shall immediately notify the executive director of the Division of Special Revenue of such change, and the executive director may, if he deems such action advisable in the public interest, revoke such permit.

(1955, S. 301d; P.A. 89-214, S. 9, 26.)

History: P.A. 89-214 substituted "executive director of the division of special revenue" for "authority granting such permit", making technical changes as necessary.

Sec. 7-181. Suspension or revocation of registration or permit.

Cease and desist order. Notice of violation. Hearing. Penalty. (a) Whenever it appears to the executive director of the Division of Special Revenue after an investigation that any person is violating or is about to violate any provision of sections 7-170 to 7-185, inclusive, or administrative regulations issued pursuant thereto, the executive director may in his discretion, to protect the public welfare, order that any registration or permit issued pursuant to said sections be immediately suspended or revoked and that the person cease and desist from the actions constituting such violation or which would constitute such violation. After such an order is issued, the person named therein may, within fourteen days after receipt of the order, file a written request for a hearing. Such hearing shall be held in accordance with the provisions of chapter 54. (b) Whenever the executive director of the Division of Special Revenue finds as the result of an investigation that any person has violated any provision of sections 7-170 to 7-185, inclusive, or administrative regulations issued pursuant thereto or made any false statement in any application for a permit or in any report required by the provisions of said sections, the executive director may send a notice to such person by certified mail, return receipt requested. Any such notice shall include (1) a reference to the section or regulation alleged to have been violated or the application or report in which an alleged false statement was made, (2) a short and plain statement of the matter asserted or charged, (3) the fact that any registration or permit issued pursuant to sections 7-170 to 7-185, inclusive, may be suspended or revoked for such violation or false statement and the maximum penalty that may be imposed for such violation or false statement, and (4) the time and place for the hearing. Such hearing shall be fixed for a date not earlier than fourteen days after the notice is mailed. (c) The executive director shall hold a hearing upon the charges made unless such person fails to appear at the hearing. Such hearing shall be held in accordance with the provisions of chapter 54. If such person fails to appear at the hearing or if, after the hearing, the executive director finds that such person committed such a violation or made such a false statement, the executive director may, in his discretion, suspend or revoke such registration or permit and order that a civil penalty of not more than two hundred dollars be imposed upon such person for such violation or false statement. The executive director shall send a copy of any order issued pursuant to this subsection by certified mail, return receipt requested, to any person named in such order. (d) Whenever the executive director revokes a permit issued pursuant to sections 7-170 to 7-186, inclusive, the issuing authority shall not issue any permit to such permittee for three years after the date of

such violation.

(1955, S. 302d; P.A. 89-214, S. 10, 26.)

History: P.A. 89-214 entirely replaced previously existing provisions and inserted Subsecs. (a) to (d), inclusive, in lieu thereof, as follows: (1)

Subsec. (a) authorizing executive director to immediately suspend or revoke any registration or permit and issue cease and desist orders; (2)

Subsec. (b) authorizing executive director to send notice to any person violating any provision of sections 7-170 to 7-185, inclusive, and

specifying requirements for notice; (3) Subsec. (c) requiring executive director to hold a hearing upon charges made and authorizing him to

suspend or revoke registration or permit and order imposition of a civil penalty; and (4) Subsec. (d) prohibiting issuing authority from issuing

any permit for three years after date of violation whenever executive director revokes permit.

Sec. 7-182. Report re receipts, number and price of tickets sold, expenses, profit and list of prizes with a retail value of fifty dollars or more.

Any sponsoring organization which holds, operates or conducts any bazaar or raffle, and its members who were in charge thereof, shall furnish to the chief of police of the municipality or to the first selectman, as the case may be, a verified statement, in duplicate, showing (1) the amount of the gross receipts derived from each bazaar or raffle, (2) in the case of a raffle, the number and price of tickets sold, (3) each item of expense incurred or paid, and each item of expenditure made or to be made and the name and address of each person to whom each such item has been or is to be paid, (4) the net profit derived from each bazaar or raffle and the uses to which the net profit has been or is to be applied and (5) a list of prizes of a retail value of fifty dollars or more offered or given with the amount paid for each prize purchased or the retail value for each prize donated and the names and addresses of the persons to whom the prizes were given. Such report shall be furnished during the next succeeding month. The chief of police or first selectman, as the case may be, shall forward the original copy of such report to the executive director of the Division of Special Revenue, who shall keep it on file and available for public inspection for a period of one year thereafter. The sponsoring organization shall maintain and keep any books and records that may be necessary to substantiate the particulars of such report, which books and records shall be preserved for at least one year from the date of such report and shall be available for inspection. Such report shall be certified to under penalty of false statement by the three persons designated in the permit application as being responsible for the bazaar or raffle. The report required pursuant to this section for a "Class No. 7" raffle authorized pursuant to section 7-175, shall be submitted to the executive director of the Division of Special Revenue during the next succeeding month following the final prize drawing.

(1955, S. 303d; 1961, P.A. 115, S. 4; 1971, P.A. 871, S. 61; P.A. 77-614, S. 486, 610; P.A. 81-276, S. 2; P.A. 86-419, S. 11, 25; P.A. 89-214, S. 11, 26;

May Sp. Sess. P.A. 92-17, S. 8, 59.)

History: 1961 act provided ninety instead of thirty-day period for filing report and excepted "Class No. 4" permits from required certification of

report by accountant; 1971 act substituted "false statement" for "perjury"; P.A. 77-614 substituted commissioner of public safety for

commissioner of state police, effective January 1, 1979; P.A. 81-276 required quarterly reports at specific times by organizations sponsoring

bazaars rather than "within ninety days after the conclusion" of the bazaar or raffle; P.A. 86-419 substituted executive director of division of

special revenue for commissioner of public safety, effective October 1, 1987; P.A. 89-214 (1) required reports by sponsoring organizations

"during the next succeeding month" rather than quarterly, (2) required police chief or first selectman to forward original copy of report to

executive director instead of duplicate, and (3) eliminated requirement that accountant certify report in the case of "Class No. 1", "Class No. 2"

and "Class No. 3" permits; May Sp. Sess. P.A. 92-17 required that report for a "Class No. 7" raffle be submitted to executive director of division of special revenue during next succeeding month following final prize drawing.

#### Sec. 7-183. Examination of reports.

Each such report shall be examined by the chief of police or the first selectman, as the case may be, and by the executive director of the Division of Special Revenue and shall be compared with the original application. The executive director may refer any violation of sections 7-170 to 7-185, inclusive, or administrative regulations issued pursuant thereto found therein to the office of the state's attorney having jurisdiction over the municipality in which the organization is located and such office shall investigate and take such action as the facts require.

(1955, S. 304d; 1959, P.A. 24; 1961, P.A. 115, S. 5; P.A. 77-614, S. 486, 610; P.A. 78-280, S. 13, 127; P.A. 86-419, S. 12, 25; P.A. 89-214, S. 12, 26.)

History: 1959 act required referral of violation of statutes or regulations to prosecutor in lieu of referral of "discrepancy"; 1961 act made

technical change re prosecuting attorney; P.A. 77-614 substituted commissioner of public safety for commissioner of state police, effective

January 1, 1979; P.A. 78-280 deleted reference to prosecuting attorney and made violations referable to office of state's attorney; P.A. 86-419

substituted executive director of division of special revenue for commissioner of public safety, effective October 1, 1987; P.A. 89-214

specifically permitted executive director to refer any violation of Secs. 7-170 to 7-185, inclusive, to state's attorney, deleting reference to "7-186".

#### Sec. 7-184. Rescission of adoption.

Any town, city or borough which has adopted the provisions of sections 7-170 to 7-186, inclusive, may, by referendum in the same manner as is provided in section 7-171, vote to rescind its action in adopting the provisions of said sections.

(1955, S. 305d.)

#### Sec. 7-185. Regulations.

The executive director of the Division of Special Revenue, with the advice and consent of the Gaming Policy Board, shall adopt, in accordance with the provisions of chapter 54, such regulations as are necessary effectively to carry out the provisions of sections 7-170 to 7-186, inclusive, in order to prevent fraud and protect the public, which regulations shall have the effect of law.

(1955, S. 306d; P.A. 77-614, S. 486, 610; P.A. 82-472, S. 13, 183; P.A. 86-419, S. 13, 25; P.A. 87-44, S. 2.)

History: P.A. 77-614 substituted commissioner of public safety for commissioner of state police, effective January 1, 1979; P.A. 82-472

substituted reference to Ch. 54 for reference to repealed Secs. 4-41 to 4-50; P.A. 86-419 substituted executive director of division of special revenue for commissioner of public safety, effective October 1, 1987; P.A. 87-44 required executive director to adopt regulations with advice and consent of gaming policy board.

Sec. 7-185a. Exceptions for certain organizations.

"Money-wheel" games. "Fifty-fifty" coupon games. Cow-chip raffles. Teacup raffles. Duck-race raffles.

(a) Notwithstanding the provisions of sections 7-170 to 7-186, inclusive, and the regulations adopted thereunder, any organized church, volunteer fire company or veterans organization or association conducting a bazaar or raffle, (1) may have the actual drawing of the raffle in a municipality other than the municipality which grants the permit, provided the chief executive officer of the other municipality has in writing approved such drawing; (2) may conduct the bazaar in a municipality other than the municipality which grants the permit, provided the municipality in which the bazaar is to be conducted has adopted the provisions of sections 7-170 to 7-186, inclusive, and the chief executive officer of such municipality has in writing approved such bazaar; (3) may be permitted to redeem prizes in cash; (4) shall be exempt from the requirement of preserving unsold raffle tickets beyond ninety days after the conclusion of the holding, operating and conducting of such bazaar or raffle and shall be permitted to dispose of unclaimed prizes after such ninety days; and (5) may file a reconciliation of expenditures and receipts signed by an officer in lieu of an accountant. (b) Notwithstanding the provisions of sections 7-170 to 7-186, inclusive, and the regulations adopted thereunder, any sponsoring organization qualified to conduct a bazaar or raffle under the provisions of section 7-172 and recognized as a nonprofit organization under the provisions of Section 501(c) (3) of the federal Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, may have the actual drawing of the raffle in a municipality other than the municipality which grants the permit, provided the chief executive officer of the other municipality has in writing approved such drawing. (c) Notwithstanding the provisions of section 7-177, any organization or group specified in section 7-172 conducting a bazaar may award cash prizes which shall not exceed twenty-five dollars each in connection with the playing of a "money-wheel" game. (d) Notwithstanding the provisions of section 7-177, any organization conducting a bazaar may operate "fifty-fifty" coupon games each day of a permitted bazaar event and may award cash prizes of fifty per cent of "fifty-fifty" coupon game sales for each coupon drawing conducted. Not more than three scheduled drawings may be held on any day on which a bazaar is permitted. A "fifty-fifty" coupon game shall be operated from an authorized bazaar booth, subject to the regulation of the executive director of the Division of Special Revenue and shall allow for the sale of "fifty-fifty" coupons at a predetermined uniform price. Each "fifty-fifty" coupon shall be consecutively numbered and shall have a correspondingly numbered stub. Each sponsoring organization shall provide different colored coupons for each drawing and shall award one prize for each drawing held. Each organization conducting such games shall conspicuously post, at each bazaar booth at which such games are conducted, a notice or notices which shall include the dates, times and places of any "fifty-fifty" coupon drawings, as well as the prices and colors of coupons to be sold for each drawing. The executive director shall prescribe the form of such notice which shall contain the following statement: "Holders of coupons must be present to claim a prize." Each such organization shall account for each coupon printed and sold for each drawing and shall announce the amount of sales and the prize to be awarded immediately prior to each drawing. The sponsoring organization shall preserve all sold and unsold coupons or stubs for a period of at least one year from the date of the verified statement required pursuant to section 7-182. At the conclusion of a bazaar, each organization conducting such games, and its members who were in charge thereof, shall furnish to the chief of police of the municipality or to the first selectman, as the case may be, a verified statement, prescribed by the executive director of the Division of Special Revenue, in duplicate, showing (1) the total number of coupons purchased and sold for each "fifty-fifty" coupon game drawing and (2) the total number and amount of prizes awarded and the names and addresses of the persons to whom the prizes were awarded. Such report shall be furnished during the next succeeding month. The chief of police or first selectman, as the case may be, shall forward the original copy of such report to the executive director, who shall keep it on file and available for public inspection for a period of one year thereafter. Such report shall be certified to under penalty of false statement by the three persons designated in the permit application as being responsible for the bazaar. (e) Notwithstanding the provisions of section 7-177, any sponsoring organization qualified to conduct a bazaar or raffle under the provisions of section 7-172 may operate a cow-chip raffle once a calendar year and, pursuant to a "Class No. 1", "Class No. 2" or "Class No. 4" permit, may award cash prizes in connection with participation in such a raffle, in addition to those prizes authorized pursuant to

section 7-177. Such raffles shall conform to the provisions of sections 7-170 to 7-186, inclusive, and shall be subject to regulation by the executive director of the Division of Special Revenue. A cow-chip raffle shall allow for the sale of consecutively numbered tickets with correspondingly numbered stubs, entitling the holders of such tickets to the temporary possession of a plot of land for purposes of the conduct of the cow-chip raffle. Each organization intending to sponsor or conduct a cow-chip raffle shall furnish with its application, required pursuant to section 7-173, a cow-chip raffle plot plan displaying the land area to be utilized for such raffle and the numbered plots, each corresponding to a numbered cow-chip raffle ticket. Each such organization conducting a cow-chip raffle shall provide for a suitable land area on which the cow-chip raffle activity is to be conducted. The area shall be sufficiently enclosed so as to confine any animal utilized in the conduct of a cow-chip raffle during the period in which the animal is so utilized. The area shall be adequately marked so as to display the number of plots to be utilized, which shall correspond to the number of cow-chip raffle tickets to be sold. The manner in which winners in a cow-chip raffle are determined shall be clearly stated prior to the commencement of a cow-chip raffle drawing and each sponsoring organization shall conspicuously post an information board, prescribed by the executive director of the Division of Special Revenue, which shall display the consecutively numbered plots of the cow-chip raffle event. A cow-chip raffle drawing shall commence at a designated time and shall continue until all winners of authorized prizes have been determined. No person may feed, lead or handle any animal utilized in a cow-chip raffle once the animal has entered into the enclosed area from which winners will be determined. Each organization conducting a cow-chip raffle shall deposit all proceeds from the conduct of such raffle in a special checking account established and maintained by such organization which shall be subject to audit by the Division of Special Revenue. Any expense incidental to the conduct of such raffle shall be paid from the gross receipts of cow-chip raffle tickets and only by checks drawn from such checking account. All cash prizes awarded shall be paid from such checking account. (f) Notwithstanding the provisions of sections 7-170 to 7-186, inclusive, and the regulations adopted thereunder, any organization conducting a bazaar may operate a "teacup raffle" and may award prizes consisting of merchandise not exceeding one hundred dollars each in value through the sale of chances. No such organization may conduct more than one scheduled "teacup raffle" drawing for all prizes offered on any day on which a bazaar is permitted. A "teacup raffle" shall be operated from an authorized bazaar booth, and shall be subject to regulation by the executive director of the Division of Special Revenue. Each "teacup raffle" ticket shall be consecutively numbered and have a correspondingly numbered stub which shall include the name, address and telephone number of the purchaser. Each sponsoring organization conducting such raffle shall conspicuously post, at each bazaar booth at which such raffle is conducted, a notice or notices which shall include the date and time of any "teacup raffle" drawing. The sponsoring organization shall preserve all sold and unsold tickets or stubs for a period of at least one year from the date of the verified statement required pursuant to section 7-182. (g) (1) Any sponsoring organization qualified to conduct a bazaar or raffle under the provisions of section 7-172 may operate a duck-race raffle once each calendar year. Such raffles shall conform to the provisions of sections 7-170 to 7-186, inclusive, and shall be subject to regulation by the executive director. For the purpose of this subsection, "duck-race raffle" means a raffle in which artificial ducks, numbered consecutively to correspond with the number of tickets sold for such raffle, are placed in a naturally moving stream of water at a designated starting point and in which the ticket corresponding to the number of the first duck to pass a designated finishing point is the winning ticket. (2) The executive director of the Division of Special Revenue, with the advice and consent of the Gaming Policy Board, shall adopt regulations, in accordance with chapter 54, that establish procedures for the operation of duck-race raffles. (P.A. 73-54; P.A. 86-6; 86-403, S. 129, 132; 86-419, S. 2; P.A. 89-211, S. 7; 89-214, S. 13, 26; 89-282, S. 4, 5; P.A. 91-35, S. 1, 5; 91-291, S. 1, 2; P.A. 94-11; P.A. 95-59, S. 1, 3.)

History: P.A. 86-6 subdivided the section, adding Subsec. (b), authorizing certain charitable and educational organizations to have actual raffle drawing in a municipality not granting the permit; P.A. 86-403 changed effective date of P.A. 86-6 from October 1, 1986, to July 1, 1986; P.A. 86-419 added Subsec. (c) to permit any volunteer fire company conducting a bazaar to award cash prizes for "money-wheel" games; P.A. 89-211 clarified reference to the Internal Revenue Code of 1986 in Subsec. (b); P.A. 89-214 amended Subsec. (c) to permit any "organization or group

specified in section 7-172" conducting a bazaar to award cash prizes for "money-wheel" games, deleting specific reference to any "volunteer fire company"; P.A. 89-282 added a new Subsec. (d), permitting any organization conducting a bazaar to operate "fifty- fifty" coupon games; P.A. 91-35 added Subsec. (e) re cow-chip raffles; P.A. 91-291 added Subsec. (f) re "teacup raffles"; P.A. 94-11 amended Subsec. (a) to authorize certain charitable organization to conduct bazaar in municipality not granting the permit if the municipality has adopted Secs. 7-170 to 7-186, inclusive, and chief executive officer has approved bazaar in writing; P.A. 95-59 added Subsec. (g) authorizing duck-race raffles subject to regulations adopted by the executive director of Division of Special Revenue, effective May 31, 1995, and applicable to permit applications for duck-race raffles received by the Division of Special Revenue on and after the effective date of regulations adopted pursuant to this section. Subsec. (b): Cited. 228 C. 375, 382.

### Sec. 7-186. Penalty.

Any person who violates any provision of sections 7-170 to 7-185, inclusive, or administrative regulations issued pursuant thereto, or who makes any false statement in any application for a permit or in any report required by the provisions of said sections shall be fined not more than one thousand dollars or imprisoned not more than one year or be both fined and imprisoned.

(1955, S. 307d; P.A. 89-214, S. 14, 26.)

History: P.A. 89-214 provided that violation of any provision of administrative regulations would subject violator to penalty.

### Sec. 7-186a. Games of chance.

Qualifications for sponsorship and participation. (a) For the purposes of sections 7-186a to 7-186p, inclusive, reference to games of chance shall be deemed to refer to Las Vegas nights. (b) Any charitable, civic, educational, fraternal, veterans' or religious organization, volunteer fire department, grange or political party or town committee thereof may promote and operate games of chance to raise funds for the purposes of such organization, provided the sponsoring organization shall have been organized in good faith and actively functioning as a nonprofit organization in this state for a period of not less than two years prior to its application for a permit under the provisions of sections 7-186a to 7-186l, inclusive. If such organization is a charitable organization as defined in section 21a-190a other than a church or religious organization, it shall be registered with the Department of Consumer Protection under the provisions of chapter 419d. The promotion and operation of games of chance shall be confined solely to the qualified members of the sponsoring organization, except as provided in section 7-186c and excluding any such qualified member who is a dealer in gambling devices or equipment or an agent or employee of any dealer in such devices or equipment, and no qualified member shall receive remuneration in any form for time or effort devoted to the promotion or operation of such games of chance. No person under the age of eighteen years shall promote, conduct, operate or work at events featuring, or play, such games nor shall any sponsoring organization permit any person under the age of eighteen to so promote, conduct, operate or play such games of chance. All funds derived from any such games of chance shall be used exclusively for the purpose stated in the application of the sponsoring organization as provided in section 7-186b. (c) Notwithstanding the provisions of subsection (b) of this section, a public or nonpublic secondary school or a group of parents of students attending such a school or of the teachers or administrators of such a school may sponsor an event at which games of chance may be played by such students and by the guests of such students if (1) such students are members (A) of the senior class graduating in the calendar year in which the event at which the games are played is held or (B) of the

junior class graduating in the calendar year following the calendar year in which such event is held; (2) such guests are sixteen years of age or older; (3) the event is supervised and the games are operated by parents, teachers or school administrators; (4) the purpose of the event at which such games are played is strictly social and no charge in any form is made to play such game and no wagering is permitted which involves anything of value, provided that (A) the sponsor may charge a nominal admission fee to cover the costs of equipment or refreshments, or both, and (B) the sponsor may provide door prizes; (5) the event is solely for such students, faculty or the families of such students and the guests of such persons, and the sponsor does not advertise or otherwise hold the event open to members of the general public; (6) no more than two such events for such students may be held during any calendar year provided such events shall be held in connection with the senior or junior prom or graduation activities; and (7) no alcoholic beverages of any kind are served at the event. Such school or group of parents, teachers or administrators shall be deemed to be an organization for purposes of sections 7-186b to 7-186h, inclusive, 7-186k, 7-186l and 7-186n to 7-186p, inclusive, and shall be exempt from the provisions of sections 7-186i and 7-186j.

(1972, P.A. 60, S. 1; P.A. 75-640; P.A. 76-404, S. 1; P.A. 78-327, S. 3, 17; P.A. 81-72; P.A. 87-288, S. 1, 3; P.A. 89-214, S. 15, 26; P.A. 90-325, S. 16, 29, 32; P.A. 91-35, S. 2, 5; P.A. 93-55, S. 1.)

History: P.A. 75-640 excluded dealers in gambling devices, their agents and employees from promotion and operation of games of chance for sponsoring organizations; P.A. 76-404 changed from one to two years the period an applicant organization must have been operating on nonprofit basis and added exception to requirement that operation be limited to members; P.A. 78-327 added Subsec. (a) re "Las Vegas Nights" and designated previous provisions as Subsec. (b) adding requirement that sponsoring organization, unless religious in nature, be registered with consumer protection department; P.A. 81-72 amended Subsec. (b) to require registration as a charitable organization with the department of consumer protection under chapter 350b only if a permit applicant meets the definition of charitable organization as stated in said chapter, replacing provision requiring registration under Ch. 299a; P.A. 87-288 added Subsec. (c) re games of chance sponsored by secondary schools or by groups of parents, teachers or school administrators; P.A. 89-214 amended Subsec. (b) to delete "nonprofit organization, association or corporation" and insert in lieu thereof "charitable, civic educational, fraternal, veterans' or religious organization, volunteer fire department, grange or political party or town committee thereof", thus permitting such organizations to promote and operate games of chance to raise funds for organizational purposes; P.A. 90-325 in Subsec. (a) provided that games of chance be deemed to refer to cow-chip bingo and in Subsec. (c) allowed games of chance to be played by members of the junior class, lowered the age of guests from seventeen to sixteen and allowed such games to be played in connection with junior proms; P.A. 91-35 amended Subsec. (a), deleting reference to cow-chip bingo; in 1993 obsolete reference in Subsec. (b) to repealed Sec. 7-186m replaced editorially with Sec. 7-186l; P.A. 93-55 made technical changes in Subsec. (b), substituting reference to Sec. 21a-190a for reference to Sec. 21a-176.  
Cited. 33 CS 169.

#### Sec. 7-186b. Application for permit.

Location of games of chance, exception. (a) Any organization desiring to operate games of chance at an event to be sponsored by such organization shall make application in duplicate, duly executed and verified, to the chief of police of the municipality in which the event is to be held, if such municipality has

a police department, or to the first selectman of the town, if there is no police department, on a form to be prescribed by the executive director of the Division of Special Revenue, in which shall be stated (1) the name, address and identification number of the applicant; (2) facts relating to its incorporation or organization; (3) the names, titles and addresses of its officers; (4) the names and addresses of all persons who are members of such organization and who will operate the games of chance for the event; (5) the kind of games and number of games intended to be operated and conducted by the applicant; (6) the place where such gaming is intended to be conducted by the applicant under the permit applied for; (7) the date or dates and the time or times when such gaming is intended to be conducted by the applicant under the permit applied for; (8) the items of expense intended to be incurred or paid in connection with the holding, operating and conducting of such games of chance, and the names and addresses of the persons to whom, and the purposes for which, they are to be paid; (9) the items of merchandise offered, the price to be paid by the organization therefor or the retail value of any prize donated, and the names and addresses of the persons from whom purchased or by whom donated; (10) the specific purposes to which the entire net proceeds of such gaming are to be devoted and in what manner; (11) a statement that the governing body or governing authority of the sponsoring organization has approved of the filing of such application, and (12) any other information which the executive director reasonably believes necessary for the protection of the public. In each application there shall be designated three active members of the applicant under whom the games of chance described in the application are to be supervised, operated and conducted. To the application shall be appended a statement signed, under penalty of false statement, by such members so designated that they will be responsible for the operation and conduct of such games of chance in accordance with the terms of the permit and the provisions of sections 7-186a to 7-186l, inclusive, that they will allow no nonmember of the applicant organization to operate or conduct any game of chance, except as provided in section 7-186c, and that the statements contained in the application are, to the best of their knowledge and belief, true. Such chief of police or first selectman, as the case may be, shall, at least fifteen business days prior to the date of such event, forward the original copy of such application to said executive director. (b) Games of chance shall be conducted within the town in which the sponsoring organization is located except as follows: (1) A sponsoring organization may apply to the executive director of the Division of Special Revenue to conduct such games of chance in another town or municipality and he may approve such application upon satisfactory proof that the town or municipality in which the organization is located lacks facilities adequate for the suitable conduct of such games of chance; or (2) in the case of games of chance conducted pursuant to subsection (c) of section 7-186a, a sponsoring organization may apply to the executive director of the Division of Special Revenue to conduct such games of chance on a vessel, as defined in section 15-127, and such executive director may approve such application.

(1972, P.A. 60, S. 2; P.A. 76-404, S. 2; P.A. 77-614, S. 486, 610; P.A. 78-327, S. 4, 5, 17; P.A. 86-419, S. 14, 25; P.A. 89-214, S. 16, 26; P.A. 90-325, S. 17, 32; P.A. 91-320, S. 1, 2.)

History: P.A. 76-404 required that duplicate of application be filed with commissioner of state police, changed alphabetic subdivision indicators

to numerics, required that application contain statement that organization's governing authority has approved the application and added

Subsec. (b) re site of conduct of games of chance; P.A. 77-614 substituted commissioner of public safety for commissioner of state police,

effective January 1, 1979; P.A. 78-327 required that application be made at least fifteen days before the event and that application contain

identification number of applicant, names and addresses of members who will operate games, number of games to be operated and statement

that nonmembers will not operate games except as allowed in Sec. 7-186c, effective January 1, 1979; P.A. 86-419 substituted executive director of

division of special revenue for commissioner of public safety, effective October 1, 1987; P.A. 89-214 amended Subsec. (a) to require (1)

application for permit to be submitted in duplicate, and (2) police chief or first selectman to forward original copy of application to executive

director at least fifteen business days before date of event, making technical changes as necessary; P.A. 90-325 in Subsec. (b) allowed the

executive director to approve the holding of games of chance for certain secondary school students on vessels; P.A. 91-320 amended Subdiv.

(1) of Subsec. (b) to permit sponsoring organization to conduct games of chance at locations outside town or municipality of such organization

and to delete provision limiting conduct of games to a town or municipality "contiguous to the town or municipality in which the organization is

located"; in 1993 obsolete reference to repealed Sec. 7-186m in Subsec. (a) replaced editorially with reference to Sec. 7-186l.

#### Sec. 7-186c. Investigation of applicant.

Limitations on permits. Money not to be used. Requirements for financial transactions. Written agreement between sponsoring organization and operator of games of chance. Investigation of operator. (a) Such chief of police or first selectman, as the case may be, shall, on behalf of the executive director of the Division of Special Revenue, make or cause to be made an investigation of the qualifications of the applicant and the facts stated in the application and, if he determines (1) that the applicant is qualified to operate and conduct games of chance under the provisions of sections 7-186a to 7-186l, inclusive, (2) that members of the applicant, one of whom shall be an officer of such applicant, designated in the application to operate or conduct such games of chance are bona fide active members of the applicant and have been such for a period of at least one year prior to the date of the application and are persons of good moral character and have never been convicted of a felony or of a violation of sections 53-278b to 53-278f, inclusive, and (3) that such games of chance are to be operated and conducted in accordance with the provisions of sections 7-186a to 7-186l, inclusive, he shall, with the approval of the executive director, issue a permit to such applicant. The provisions of subdivision (2) of this subsection relating to the period of membership shall not apply to a school or group of parents, teachers or administrators authorized to sponsor games of chance under the provisions of subsection (c) of section 7-186a. No more than four permits shall be issued to the same applicant in any twelve-month period and no permit shall be issued to the same applicant within two months from the issuance of a prior permit, except that a second permit may be issued within two months of the issuance of a permit for an event permitted pursuant to subsection (c) of section 7-186a. No game of chance shall be conducted at the same location more than twice within a period of three weeks. (b) Each applicant shall reimburse the municipality for the costs of assigning a policeman to be present at the time such games are conducted. (c) No individual bet or wager shall be made in money. No bet shall be made or accepted using any representation of money which exceeds twenty-five dollars. Only cash, checks or credit cards approved by the executive director of the Division of Special Revenue shall be used for the purchase of chips or any other representation of money to be used at an event and no other form of credit or representation of credit shall be extended to players at such event. All chips or representations of money to be used at an event shall be counted prior to the event and at the termination of such event with an accounting thereof certified to under penalty of false statement by the three persons designated in the permit application as being responsible for such games of chance. The three persons so designated shall be responsible for supervising those persons who sell or dispense chips or any other representation of money and those who redeem such chips or representations of money for prizes or merchandise or goods or for coupons or certificates for such merchandise or goods. (d) All financial transactions made by a sponsoring organization for an event shall be made by check. Such checks and records of such financial transactions shall be preserved for at least two years from the date of submission of the verified statement required under the provisions of section 7-186i. The three members of the applicant designated in the application to operate or conduct such games of chance shall submit an accounting of all expenses incurred for any event and such accounting shall be included in the verified statement required under the provisions of said section 7-186i. (e) No person, firm or organization shall contract to operate or conduct, or operate or conduct any games of chance for an organization for compensation unless it (1) has a principal place of business in the state; (2) is registered with the executive director of the Division of Special Revenue in such manner and on such form as he may prescribe, which form shall be accompanied by an annual fee of three hundred dollars payable to the Treasurer of the state of Connecticut; and (3) enters into a written agreement, certified under penalty of

false statement, for each event with each organization with which it contracts. Such agreement shall set forth the anticipated expenses of the sponsoring organization and such agreement shall provide for a fixed fee for the operator which fee shall not be dependent on any percentage of the proceeds or profits from any games of chance. The operator shall agree to guarantee to the sponsoring organization that such organization will be reimbursed for such expenses, or actual expenses if the actual expenses are lower. The sponsoring organization may require an operator to provide a bond for this purpose, with surety satisfactory to the organization. Violation of any provision of this subsection shall constitute professional gambling under the provisions of subsection (3) of section 53-278a. (f) The executive director of the Division of Special Revenue shall have the authority to investigate the qualifications of any person, firm or organization which has contracted to operate or conduct games of chance or agreed to operate or conduct such games of chance for compensation. Said executive director may investigate the facts stated in the registration form submitted by such person, firm or organization. No person shall be permitted to operate games of chance at an event if such person has been convicted of a felony or of a violation of sections 53-278b to 53-278f, inclusive.

(1972, P.A. 60, S. 3; P.A. 76-404, S. 3; P.A. 77-614, S. 486, 610; P.A. 78-327, S. 10, 11, 17; P.A. 80-297, S. 3, 20; P.A. 86-312, S. 19, 21; 86-419, S. 15, 25; P.A. 87-288, S. 2, 3; P.A. 89-214, S. 17, 18, 26.)

History: P.A. 76-404 required that members conducting games shall have been members for at least a year and that they have not been convicted under Secs. 53-278b to 53-278f and added Subsecs. (b) to (d) re reimbursement for cost of policeman on duty, wagering and requirements for those contracting to operate games for compensation; P.A. 77-614 substituted commissioner of public safety for commissioner of state police, effective January 1, 1979; P.A. 78-327 required that one operator of games be an officer of the organization and placed limits on frequency of permit issuance and frequency of games held at one location under Subsec. (a), expanded provisions of Subsec. (c) re purchase of chips and who may sell or dispense them, inserted new Subsec. (d) re financial transactions made by sponsoring organization in connection with event, relettered former Subsec. (d) as Subsec. (e) and added Subsec. (f) re commissioner's power to investigate contractors for operation of games of chance, effective January 1, 1979; P.A. 80-297 amended Subsec. (e) to increase annual registration fee from two hundred fifty to three hundred dollars; P.A. 86-312 increased frequency of conduct of game of chance at same location from not more than once within three-week period to not more than twice within three-week period; P.A. 86-419 amended Subsecs. (e) and (f), substituting executive director of division of special revenue for commissioner of public safety, effective October 1, 1987; P.A. 87-288 amended Subsec. (a) to make exceptions for games of chance for secondary school students under Sec. 7-186a and inserted Subdiv. designations (1) to (3), inclusive; P.A. 89-214 amended Subsec. (a) to require police chief or first selectman to conduct investigation of applicant on behalf of executive director of division of special revenue and to issue permit to applicant with the approval of executive director and amended Subsec. (c) to (1) permit checks or credit cards approved by the executive director to be used to purchase chips, and (2) require that the three designated persons be responsible for supervising those persons who sell or dispense chips and those who redeem such chips for prizes, making technical changes as necessary; in 1993 obsolete references to Secs. 7-186m in Subsec. (a) replaced editorially with reference to Sec. 7-186l.

Sec. 7-186d. Permit.

Fee. Prizes. A permit under the provisions of sections 7-186a to 7-186p, inclusive, shall allow the operation of games of chance by the sponsoring organization on the date or dates specified in the permit. The fee for such permit shall be twenty dollars. Any prizes to be awarded for the playing of such games shall be merchandise or goods. Cash prizes shall not be given nor shall any prize be redeemed or redeemable for cash. Coupons or certificates for goods may be issued by the sponsoring organization only. Such coupons or certificates shall contain a notation that such coupons or certificates may not be redeemed for cash money and that redemption of any such coupon or certificate for cash money by any person or organization shall constitute a class A misdemeanor. No person may be awarded a coupon or gift certificate which is redeemable at any business or mercantile establishment where such person is employed or affiliated. Any person or organization who redeems coupons or certificates evidencing a right to receive goods or merchandise issued by a Las Vegas night sponsoring organization for cash or consideration, other than goods or merchandise, shall be guilty of a class A misdemeanor. (1972, P.A. 60, S. 4; P.A. 76-404, S. 4; P.A. 78-327, S. 12, 17; P.A. 89-217, S. 4, 6.)  
History: P.A. 76-404 added provisions emphasizing that coupons and certificates issued for prizes are not redeemable for money and made violation a Class A misdemeanor; P.A. 78-327 prohibited awarding prizes redeemable at mercantile establishment to employees or affiliates of the establishment; P.A. 89-217 increased the fee for a permit from ten to twenty dollars.

#### Sec. 7-186e. Equipment.

Expenses. No game of chance shall be conducted with any equipment except such as is owned absolutely or used without payment of any compensation therefor by the permittee or as is rented at a fixed fee under a written contract, certified under penalty of false statement, and only from a dealer in such equipment who has his principal place of business in this state, who has not been convicted of a felony or of a violation of sections 53-278b to 53-278f, inclusive, and who has registered with the Division of Special Revenue in such manner and on such form as the executive director of said division prescribes, which form shall be accompanied by an annual fee of three hundred dollars payable to the Treasurer of the state of Connecticut. Said executive director shall have the authority to investigate the qualifications of such dealer and the facts stated in the registration form. No item of expense shall be incurred or paid in connection with the holding, operating or conducting of any games of chance pursuant to any permit issued under sections 7-186a to 7-186l, inclusive, except such as are bona fide items of reasonable amount for goods, wares and merchandise furnished or services rendered, which are reasonably necessary to be purchased or furnished for the holding, operating or conducting thereof. Receipt of any of the proceeds from a game of chance, other than a fixed rental fee, not dependent on any percentage of the proceeds or profits from such game of chance, by a dealer in gambling equipment shall constitute professional gambling under the provisions of subsection (3) of section 53-278a. (1972, P.A. 60, S. 5; P.A. 76-404, S. 5; P.A. 77-614, S. 486, 610; P.A. 78-327, S. 13, 14, 17; P.A. 86-419, S. 16, 25; P.A. 89-214, S. 19, 26.)  
History: P.A. 76-404 required that payment for use of equipment be a fixed rental fee, not a percentage of the proceeds, which would constitute professional gambling and deleted prohibitions against any payment to operators or assistants and against holding games on Sunday; P.A. 77-614 substituted commissioner of public safety for commissioner of state police and made state police department a division within the department of public safety, effective January 1, 1979; P.A. 78-327 required that fixed fee be stated in "written contracts certified under penalty of false statement" and that dealers not have been convicted of felony or violation of Secs. 53-278b to 53-278f and gave commissioner power to make appropriate investigations, effective January 1, 1979; P.A. 86-419 substituted division of special revenue for state police and executive director of said division for public safety commissioner, effective October 1, 1987; P.A. 89-214 required that registration form be accompanied by

annual fee of three hundred dollars payable to state treasurer; in 1993 obsolete reference to repealed Sec. 7-186m, replaced editorially with reference to Sec. 7-186l.

#### Sec. 7-186f. Advertising restricted.

No games of chance to be conducted under any permit issued under the provisions of sections 7-186a to 7-186l, inclusive, shall be advertised as to location, the time to be held or the prizes to be awarded, by means of television or sound truck or by means of billboards, provided one sign, not exceeding twelve square feet, may be displayed on the premises where the games of chance are to be conducted and also where the prizes are or will be exhibited.

(1972, P.A. 60, S. 6.)

History: In 1993 obsolete reference to repealed Sec. 7-186m replaced editorially with reference to Sec. 7-186l.

#### Sec. 7-186g. Change in facts on application to be reported.

If there is any change in the facts set forth in the application for a permit subsequent to the making of such application, the applicant shall immediately notify the executive director of the Division of Special Revenue of such change, and the executive director may, if he deems such action advisable in the public interest, revoke such permit.

(1972, P.A. 60, S. 7; P.A. 89-214, S. 20, 26.)

History: P.A. 89-214 substituted "executive director of the division of special revenue" for "authority granting such permit", making technical changes as necessary.

#### Sec. 7-186h. Suspension or revocation of registration or permit.

Cease and desist order. Notice of violation. Hearing. Penalty. (a) Whenever it appears to the executive director of the Division of Special Revenue after an investigation that any person is violating or is about to violate any provision of sections 7-170 to 7-185, inclusive, or administrative regulations issued pursuant thereto, the executive director may in his discretion, to protect the public welfare, order that any registration or permit issued pursuant to said sections be immediately suspended or revoked and that the person cease and desist from the actions constituting such violation or which would constitute such violation. After such an order is issued, the person named therein may, within fourteen days after receipt of the order, file a written request for a hearing. Such hearing shall be held in accordance with the provisions of chapter 54. (b) Whenever the executive director of the Division of Special Revenue finds as the result of an investigation that any person has violated any provision of sections 7-186a to 7-186p, inclusive, or administrative regulations issued pursuant thereto or made any false statement in an application for a permit or in any report required by the provisions of said sections, the executive director may send a notice to such person by certified mail, return receipt requested. Any such notice shall include (1) a reference to the section or regulation alleged to have been violated or the application or report in which an alleged false statement was made, (2) a short and plain statement of the matter asserted or charged, (3) the fact that any registration or permit issued pursuant to sections 7-186a to 7-186p, inclusive, may be suspended or revoked for such violation or false statement and the maximum penalty that may be imposed for such violation or false statement, and (4) the time and place for the hearing. Such hearing shall be fixed for a date not earlier than fourteen days after the notice is mailed. (c) The executive director shall hold a hearing upon the charges made unless such person fails to appear at the hearing. Such hearing shall be held in accordance with the provisions of chapter 54. If such person fails to

appear at the hearing or if, after the hearing, the executive director finds that such person committed such a violation or made such a false statement, the executive director may, in his discretion, suspend or revoke such registration or permit and order that a civil penalty of not more than two hundred dollars be imposed upon such person for such violation or false statement. The executive director shall send a copy of any order issued pursuant to this subsection by certified mail, return receipt requested, to any person named in such order. (d) Whenever the executive director revokes a permit issued pursuant to sections 7-186a to 7-186p, inclusive, he shall not issue any permit to such permittee for three years after the date of the violation.

(1972, P.A. 60, S. 8; P.A. 89-214, S. 21, 26.)

History: P.A. 89-214 entirely replaced previous provisions and inserted Subsecs. (a) to (d), inclusive, in lieu thereof, as follows: (1) Subsec. (a)

authorizing executive director to immediately suspend or revoke any registration or permit and issue cease and desist orders; (2) Subsec. (b)

authorizing executive director to send notice to any person violating any provision of Secs. 7-186a to 7-186p, inclusive, and specifying

requirements for notice; (3) Subsec. (c) requiring executive director to hold a hearing upon charges made and authorizing him to suspend or

revoke registration or permit and order imposition of a civil penalty; and (4) Subsec. (d) prohibiting executive director from issuing any permit

for three years after date of violation whenever he revokes permit.

Sec. 7-186i. Report re receipts, expenses, profit and list of prizes with a retail value of fifty dollars or more.

Any sponsoring organization which holds, operates or conducts any games of chance, and its members who were in charge thereof, shall furnish to the executive director of the Division of Special Revenue and to the chief of police of the municipality or to the first selectman, as the case may be, a verified statement, showing (1) the amount of the gross receipts derived from each event of such games of chance, (2) each item of expense incurred or paid and each item of expenditure made or to be made and the name and address of each person to whom each such item has been or is to be paid, (3) the net profit derived from each event of such games of chance and the uses to which the net profit has been or is to be applied and (4) a list of prizes of a retail value of fifty dollars or more offered or given with the amount paid for each prize purchased or the retail value for each prize donated and the names and addresses of the persons to whom the prizes were given. Such report shall be furnished during the next succeeding month. The sponsoring organization shall maintain and keep any books and records that may be necessary to substantiate the particulars of such report, which books and records shall be preserved for at least two years from the date of such report and shall be available for inspection by the executive director and the chief of police of the municipality or first selectman, as the case may be, upon request. Such report shall be certified to under penalty of false statement by the three persons designated in the permit application as being responsible for such games of chance.

(1972, P.A. 60, S. 9; P.A. 73-616, S. 4; P.A. 76-404, S. 6; P.A. 77-614, S. 486, 610; P.A. 78-327, S. 1517; P.A. 81-276, S. 3; P.A. 86-419, S. 17, 25; P.A. 89-214, S. 22, 26.)

History: P.A. 73-616 substituted "games of chance" for "bazaar or raffle" in sentence re certification of report; P.A. 76-404 required submission

of statement within thirty days rather than ninety days and required that records be preserved two years rather than one year and that they be

available for inspection by state police commissioner, police chief or first selectman; P.A. 77-614 substituted commissioner of public safety for

commissioner of state police, effective January 1, 1979; P.A. 78-327 required submission of statement to commissioner as well as police chief or

first selectman, effective January 1, 1979; P.A. 81-276 required quarterly reports by organizations sponsoring games of chance rather than

"within thirty days after the conclusion" of games of chance; P.A. 86-419 substituted executive director of division of special revenue for public safety commissioner, effective October 1, 1987; P.A. 89-214 required reports by sponsoring organizations "during the next succeeding month" rather than quarterly.

#### Sec. 7-186j. Examination of reports.

Each such report shall be examined by the chief of police or the first selectman, as the case may be, and the executive director of the Division of Special Revenue and shall be compared with the original application. Any violation of sections 7-186a to 7-186l, inclusive, or administrative regulations issued pursuant thereto, found therein shall be referred to the office of the state's attorney having jurisdiction in the municipality in which the organization is located and such office shall investigate and take such action as the facts require.

(1972, P.A. 60, S. 10; P.A. 76-404, S. 7; P.A. 77-614, S. 486, 610; P.A. 78-280, S. 14, 127; P.A. 86-419, S. 18, 25.)

History: P.A. 76-404 required that commissioner of state police examine report as well as police chief or first selectman; P.A. 77-614 substituted commissioner of public safety for commissioner of state police, effective January 1, 1979; P.A. 78-280 deleted reference to prosecuting attorney and made violations referable to office of the state's attorney; P.A. 86-419 substituted executive director of division of special revenue for public safety commissioner, effective October 1, 1987; in 1993 obsolete reference to repealed Sec. 7-186m replaced editorially with reference to Sec. 7-186l.

#### Sec. 7-186k. Regulations.

Subject to the provisions of sections 4-166 to 4-175, inclusive, the executive director of the Division of Special Revenue, with the advice and consent of the Gaming Policy Board, shall adopt such regulations as are necessary effectively to carry out the provisions of sections 7-186a to 7-186l, inclusive, in order to prevent fraud and protect the public, which regulations shall have the effect of law.

(1972, P.A. 60, S. 11; P.A. 77-614, S. 486, 610; P.A. 86-419, S. 19, 25; P.A. 87-44, S. 3; P.A. 88-317, S. 48, 107.)

History: P.A. 77-614 substituted commissioner of public safety for commissioner of state police, effective January 1, 1979; P.A. 86-419 substituted executive director of division of special revenue for public safety commissioner, effective October 1, 1987; P.A. 87-44 required executive director to adopt regulations with the advice and consent of gaming policy board; P.A. 88-317 amended reference to Secs. 4-166 to 4-175 to include new section added to Ch. 54, effective July 1, 1989, and applicable to all agency proceedings commencing or after that date; in 1993 obsolete reference to repealed Sec. 7-186m replaced editorially with Sec. 7-186l.

#### Sec. 7-186l. Penalty.

Any person who knowingly violates any provision of sections 7-186a to 7-186p, inclusive, except section 7-186d or 7-186e, or administrative regulations issued pursuant thereto or who makes any false statement in an application for a permit or in any report required by the provisions of said sections, shall, for a first

offense, be fined not more than five hundred dollars or imprisoned not more than ninety days or both and, for a second or subsequent offense, shall be fined not more than one thousand dollars or imprisoned not more than one year or both.

(1972, P.A. 60, S. 12; P.A. 76-404, S. 8; P.A. 89-214, S. 23, 26.)

History: P.A. 76-404 excluded violations of Secs. 7-186d and 7-186e from provisions of section and increased penalty for first offense to fine of five hundred, rather than one hundred, dollars and/or ninety, rather than thirty, days and for subsequent offense to fine of one thousand, rather than five hundred, dollars and/or one year, rather than ninety days; P.A. 89-214 deleted reference to "7-186m", inserting "7-186p" in lieu thereof and provided that violation of any provision of administrative regulations would subject violator to penalty.

#### Sec. 7-186m. Exceptions for certain sponsoring organizations.

Section 7-186m is repealed.

(1972, P.A. 60, S. 17; P.A. 88-364, S. 122, 123.)

#### Sec. 7-186n. Registration of sponsoring organizations.

Issuance and use of identification numbers. Before making application for a permit to operate games of chance, under subsection (a) of section 7-186b, an organization shall register with the executive director of the Division of Special Revenue on forms to be furnished by said executive director and secure an identification number. Said executive director shall provide the requesting organization with an identification number within seven days after receipt of a request for such number. Any refusal to provide such number shall be in writing, shall state the reason therefor and be sent to such organization by prepaid first class mail within such seven days. All applications for permits, amendments of permits, reports, verified statements, agreements between the sponsoring organization and the operator and any other papers relating to games of chance shall bear the identification number of the organization involved. Copies of such applications, reports, agreements and other papers shall be forwarded to the executive director at least fifteen days before the event at which such games of chance are to be played. Neither registration nor the assignment of an identification number, which may be revoked for cause, shall constitute or be any evidence of the eligibility of any organization to receive a permit or to conduct any game of chance.

(P.A. 78-327, S. 1, 2, 17; P.A. 86-419, S. 20, 25.)

History: P.A. 86-419 substituted executive director of division of special revenue for public safety commissioner, effective October 1, 1987.

#### Sec. 7-186o. Equipment identified by number.

The executive director of the Division of Special Revenue shall issue identifying numbers for all equipment used by operators and dealers of gaming equipment. No gaming equipment which is not identified by such numbers shall be used or operated at an event. A list of all gaming equipment, including identifying numbers of such equipment to be used at an event, shall be sent to the executive director at least ten days prior to such event.

(P.A. 78-327, S. 8, 9, 17; P.A. 86-419, S. 21, 25.)

History: P.A. 86-419 substituted executive director of division of special revenue for public safety commissioner, effective October 1, 1987.

## Sec. 7-186p. Accounting of receipts.

Requirements. At the close of the operation of games of chance an accounting of the receipts for the event shall be made and witnessed by the three designated persons who made application under section 7-186b, and a representative of the chief of police, first selectmen or executive director of the Division of Special Revenue. A full disclosure of all receipts and expenditures shall be made, including an accounting of the amount to be paid as a fixed fee to the dealer in gaming equipment used at such event, all operating expenses prior to and during the event, the names and addresses of all prize winners and the value of such prizes listed individually. A copy of the written agreement made under the provisions of subsection (e) of section 7-186c shall be produced at such public accounting by the sponsoring organization to insure that such agreement has been honored.

(P.A. 78-327, S. 6, 7, 17; P.A. 86-419, S. 22, 25.)

History: P.A. 86-419 substituted executive director of division of special revenue for public safety commissioner, effective October 1, 1987.

## Sec. 7-186q. Auxiliary organization permitted to assist at games of chance event.

Application. Notwithstanding the provisions of section 7-186a to 7-186p, inclusive, and the regulations adopted thereunder, the members of a bona fide auxiliary of any organization issued a permit pursuant to said sections, may assist at an event of games of chance provided the auxiliary organization files an application for auxiliary personnel in duplicate, duly executed and verified, with the chief of police of the municipality in which the event is to be held, if such municipality has a police department, or with the first selectman of the town, if there is no police department. Such form shall be prescribed by the executive director of the Division of Special Revenue and be filed at least fifteen business days prior to the date of such event, and shall state (1) the name, address and identification number of the applicant seeking a permit; (2) the name and address of the auxiliary organization desiring to provide assistance; (3) facts relating to its incorporation or organization; (4) the names, titles and addresses of its officers; (5) the names and addresses of all persons who are members of such auxiliary organization and who will operate the games of chance for the event; (6) the kind of games and number of games intended to be operated and conducted by the applicant; and (7) any other information which the executive director reasonably believes necessary for the protection of the public. Such chief of police or first selectman, as the case may be, shall forward the original copy of such application to said executive director.

(P.A. 89-214, S. 24, 26.)

## CHAPTER 226\*

### DIVISION OF SPECIAL REVENUE AND GAMING POLICY BOARD

\_\_\_\_\_ \*See chapter 226b re disclosure statements with regard to pari-mutuel betting. Cited. 193 C. 379, 382. Cited. 224 C. 693, 701. Secs. 12-55712-578 cited. Id. Cited. 35 CA 333. Sec. 12-557 et seq. cited. 37 CS 8890.

Secs. 12-557 and 12-557a. Establishment of commission; appointment; chairman; salary.

Commission to be within Department of Revenue Services for administrative purposes only. Sections 12-557 and 12-557a are repealed.

(1971, P.A. 865, S. 1; P.A. 77-614, S. 148, 610; P.A. 79-404, S. 44, 45.)

## **TITLE 12. TAXATION**

### **CHAPTER 226. DIVISION OF SPECIAL REVENUE AND GAMING POLICY BOARD**

#### Sec. 12-557b. Definitions.

As used in this chapter, and in sections 12-579, 12-580, and in chapter 226b, unless the context otherwise requires: (a) "Board" means the Gaming Policy Board established under section 12-557d; (b) "Executive director" means the executive director of the Division of Special Revenue within the Department of Revenue Services; (c) "Division" means the Division of Special Revenue within the Department of Revenue Services; (d) "Business organization" means a partnership, incorporated or unincorporated association, firm, corporation, trust or other form of business or legal entity, other than a financial institution regulated by a state or federal agency which is not exercising control over an association licensee; and (e) "Control" means the power to exercise authority over or direct the management and policies of a person or business organization.

(P.A. 79-404, S. 5, 45; P.A. 80-133, S. 1, 10; 80-482, S. 342, 348.)

History: P.A. 80-133 defined "business organization" and "control" in new Subdivs. (d) and (e); P.A. 80-482 substituted department of revenue services for department of business regulation.

#### Sec. 12-557c. Division of Special Revenue established.

Executive director; appointment, exempt from classified service, restrictions on political activity. Deputy executive director and executive assistant. (a) There shall be a Division of Special Revenue within the Department of Revenue Services for administrative purposes only. The Division of Special Revenue shall, in cooperation with the Gaming Policy Board, implement and administer the provisions of this chapter and chapter 226b under the supervision of an executive director. (b) The Division of Special Revenue shall be under the direction and control of an executive director who shall be responsible for the operation of his division. The executive director shall be appointed by the Governor, with the approval of the General Assembly, and shall be qualified and experienced in the functions performed by the Division of Special Revenue. The executive director may appoint a deputy and an executive assistant for the efficient conduct of the business of the division. The deputy executive director shall, in the absence or disqualification of the executive director or on his death, exercise the powers and duties of the executive director until he resumes his duties or the vacancy is filled. The deputy executive director and the executive assistant shall serve at the pleasure of the executive director. The executive director and the deputy executive director shall not participate actively in political management and campaigns. Such activity includes holding office in a political party, political organization or political club, campaigning for a candidate in a partisan election

by making speeches, writing on behalf of a candidate, soliciting votes in support of or in opposition to a candidate and making contributions of time and money to political parties. (c) Whenever the term "Commission on Special Revenue" occurs or is referred to in the public acts of the 1979 session of the General Assembly it shall be deemed to refer to the Division of Special Revenue within the Department of Business Regulation.

(P.A. 79-404, S. 6, 45; P.A. 80-482, S. 343, 348; P.A. 83-435, S. 1, 3.)

History: P.A. 80-482 substituted department of revenue services for department of business regulation and moved provisions re appointment of

executive director from Subsec. (a) to Subsec. (b), deleting provision exempting executive director from classified service; P.A. 83-435 amended

Subsec. (b), authorizing the executive director to appoint a deputy and an executive assistant and providing that such deputy shall not

participate in political management and campaigns.  
See Sec. 4-38f for definition of "administrative purposes only."  
Cited. 193 C. 379, 381. Cited. 35 CA 333.

#### Sec. 12-557d. Gaming Policy Board established; membership.

(a) There shall be a Gaming Policy Board within the Department of Revenue Services for administrative purposes only. Said board shall consist of five members appointed by the Governor with the advice and consent of both houses of the General Assembly. Not more than three members of said board in office at any one time shall be members of the same political party. On or before July 1, 1979, the Governor shall nominate three members who shall serve until July 1, 1981, and two members who shall serve until July 1, 1983. The General Assembly shall confirm or reject such nominations in the manner prescribed by section 4-7 before adjournment sine die of the 1979 regular session, except that if the nominations cannot be acted on by both houses of the General Assembly during said regular session, the General Assembly shall confirm or reject the nominations at a special session which shall be called, notwithstanding sections 2-6 and 2-7, immediately following adjournment sine die of the 1979 session reconvened in accordance with article third of the amendments to the Constitution of Connecticut, except that if no session is held pursuant to said article, the General Assembly shall meet in special session, notwithstanding sections 2-6 and 2-7, not later than August 1, 1979, to confirm or reject such nominations. Any special session called pursuant to this section shall be held for the sole purpose of confirming or rejecting the initial nominations made by the Governor to the board. Thereafter members shall serve for a term of four years and the procedure prescribed by section 4-7 shall apply to such appointments, except that the Governor shall submit such nominations on or before May first, and both houses shall confirm or reject the nominations before adjournment sine die. Members shall receive fifty dollars per day for each day they are engaged in the business of the board and shall be reimbursed for necessary expenses incurred in the performance of their duties. The executive director shall serve on the board ex officio without voting rights. (b) To insure the highest standard of legalized gambling regulation at least four of the board members shall have training or experience in at least one of the following fields: Corporate finance, economics, law, accounting, law enforcement, computer science or the pari-mutuel industry. At least two of these fields shall be represented on the board at any one time. (c) No board member shall accept any form of employment by a business organization regulated under this chapter for a period of two years following the termination of his service as a board member. (d) No board member shall engage in any oral ex parte communications with any representative, agent, officer or employee of any business organization regulated under this chapter concerning any matter pending or impending before the board. (e) The members of the board shall not participate actively in political management and campaigns. Such activity includes holding office in a political party, political organization or political club, campaigning for a candidate in a partisan election

by making speeches, writing on behalf of a candidate, soliciting votes in support of or in opposition to a candidate and making contributions of time and money to political parties.

(P.A. 79-404, S. 7, 45; P.A. 80-482, S. 344, 348; P.A. 84-546, S. 34, 173.)

History: P.A. 80-482 substituted department of revenue services for department of business regulation; P.A. 84-546 made technical changes in

Subsec. (a), substituting "article third of the amendments to the constitution" for "section two of article third of the constitution".

See Sec. 4-38f for definition of "administrative purposes only."

#### Sec. 12-557e. Gaming Policy Board; powers and duties.

The Gaming Policy Board shall work in cooperation with the Division of Special Revenue to implement and administer the provisions of this chapter and chapter 226b. In carrying out its duties the board shall be responsible for: (1) Approving, suspending or revoking licenses issued under subsection (a) of section

12-574; (2) approving contracts for facilities, goods, components or services necessary to carry out the provisions of section 12-572; (3) setting racing and jai alai meeting dates, except that the board may delegate to the executive director the authority for setting make-up performance dates within the period of a meeting set by the board; (4) imposing fines on licensees under subsection (j) of section 12-574; (5) approving the types of pari-mutuel betting to be permitted; (6) advising the executive director concerning the conduct of off-track betting facilities; (7) assisting the executive director in developing regulations to carry out the provisions of this chapter and chapter 226b, and approving such regulations prior to their adoption; (8) hearing all appeals taken under subsection (j) of section 12-574; and (9) advising the Governor on state-wide plans and goals for legalized gambling.

(P.A. 79-404, S. 8, 45; P.A. 80-133, S. 2, 10; P.A. 85-11, S. 1, 2; P.A. 96-212, S. 24, 32.)

History: P.A. 80-133 changed references to Subsecs. in Sec. 12-574, Substituting "(a)" for "(b)" and "(j)" for "(d)" and "(e)"; P.A. 85-11 amended

Subdiv. (3), permitting the board to delegate to the executive director the authority for setting make-up performance dates; P.A. 96-212 deleted

reference to Sec. 12-568 in Subdiv. (2), repealed elsewhere in the act, and to the conduct of state lotteries in Subdiv. (6), effective July 1, 1996.

Cited. 224 C. 693, 701.

### Sec. 12-558. Oath.

Bond. Action by board. Before entering upon the discharge of the duties of his office, each member of the board shall take oath that he will well and faithfully execute the duties of his office according to the laws of the state, and shall give bond to the state, with sufficient surety to be approved by the Governor, in the sum of twenty-five thousand dollars conditioned that he will well and faithfully execute and perform the duties of his office according to the Constitution and laws of this state. Every such bond, when fully executed and approved, shall be filed in the office of the Secretary of the State. The Governor shall at all times, when in his opinion the bond of any member of the board has become or is likely to become invalid or insufficient, require such member forthwith to renew such bond to be approved by the Governor in the sum prescribed in this section. The cost of any such bond given by any member of the board under this section shall be part of the necessary expenses of the board. The powers of the board are vested in the members thereof. All actions shall be taken and motions and resolutions adopted by the board at any meeting thereof by the affirmative vote of at least four members. Four members of the board shall constitute a quorum, or in instance of vacancy, a majority of the members remaining qualified.

(1971, P.A. 865, S. 2; 1972, P.A. 187, S. 1; P.A. 79-404, S. 9, 45.)

History: 1972 act added provisions re subcommittees of commission; P.A. 79-404 substituted "board" for "commission", reflecting change from "commission on special revenue" to "gaming policy board".

### Sec. 12-559. Personnel, classified and unclassified; fingerprinting, residence requirements.

Notwithstanding the provisions of section 4-8, the executive director shall, with the advice and consent of the board, appoint unit heads for each of the units created within the division, who shall be exempt from classified service. Each unit head shall be qualified and experienced in the functions to be performed by him. The executive director may employ division stewards for thoroughbred racing, division judges for harness racing, greyhound racing and jai alai, and division veterinarians who shall be exempt from classified service, and may employ, subject to the provisions of chapter 67, such clerks, stenographers, inspectors, agents and other employees, as may be necessary to carry out the provisions of this chapter, all of whom shall be fingerprinted before being employed. All persons employed pursuant to this section, with the exception of any steward, judge or veterinarian, shall be residents of the state at the time of and

during the full term of their employment.

(1971, P.A. 865, S. 3; P.A. 73-652, S. 1, 2; P.A. 75-172, S. 1, 2; P.A. 79-404, S. 10, 45.)

History: P.A. 73-652 made appointment of clerks, stenographers, inspectors, agents etc. subject to the provisions of chapter 67 but exempted

others from classified service, increased personnel to include assistant directors, assistants to executive secretary and chiefs of thoroughbred

racing, harness racing, greyhound racing and jai alai, required fingerprinting of all personnel and exempted stewards, judges and veterinarians

from residency requirement; P.A. 75-172 included stewards, judges and veterinarians in employment provision and exempted them from

classified service; P.A. 79-404 gave power to employ personnel to executive director with advice and consent of gaming policy board,

substituted references to division of special revenue for references to commission on special revenue where appropriate, replaced references to

divisions with "units" to avoid confusion with division of special revenue and deleted provisions re powers of executive secretary.

Cited. 224 C. 693, 701, 702.

#### Sec. 12-560. Bonding of employees.

The executive director may, if he determines that it is necessary, require any of the division's employees to give bond in such amount as said executive director may determine. Every such bond when duly executed and approved shall be filed in the office of the Secretary of the State. The cost of any such bond so given as aforesaid shall be part of the necessary expenses of the division.

(1971, P.A. 865, S. 4; P.A. 79-404, S. 11, 45.)

History: P.A. 79-404 substituted "executive director" and "division" for "commission" where appropriate.

#### Sec. 12-561. Conflict of interest.

No executive director or unit head or employee of the division or member or employee of the Gaming Policy Board shall directly or indirectly, individually or as a member of a partnership or as a shareholder of a corporation, have any interest whatsoever in dealing in any lottery, racing, fronton or betting enterprise or in the ownership or leasing of any property or premises used by or for any lottery, racing, fronton or betting enterprise. No executive director, unit head or member of the Gaming Policy Board shall, directly or indirectly, wager at any off-track betting facility, race track or fronton authorized under this chapter or purchase lottery tickets issued under this chapter. No employee of the division or the board shall, directly or indirectly, purchase lottery tickets issued under this chapter. The executive director may, by regulation adopted with the advice and consent of the board, prohibit any employee of the division from engaging, directly or indirectly, in any other form of legalized gambling activity in which such employee is involved because of his employment with the division.

(1971, P.A. 865, S. 5; 1972, P.A. 187, S. 2; P.A. 79-404, S. 12, 45; P.A. 80-27.)

History: 1972 act included references to frontons; P.A. 79-404 substituted "executive director or unit head" for "commissioner" and "division"

for "commission", included gaming policy board members in prohibition against having interest in enterprise regulated by division and added

prohibition against wagering or purchasing lottery tickets; P.A. 80-27 included employees of board in prohibition against having interest in

regulated enterprises and added provision for prohibition against participation in any other form of legalized gambling.

## Sec. 12-562. Enforcement.

Regulations. (a) Except as provided in subsection (b) of this section, the executive director shall have power to enforce the provisions of this chapter and chapter 226b, and with the advice and consent of the board, shall adopt all necessary regulations for that purpose and for carrying out, enforcing and preventing violation of any of the provisions of this chapter, for the inspection of licensed premises or enterprises, for insuring proper, safe and orderly conduct of licensed premises or enterprises and for protecting the public against fraud or overcharge. The executive director shall have power generally to do whatever is reasonably necessary for the carrying out of the intent of this chapter; and may call upon other administrative departments of the state government and of municipal governments for such information and assistance as he deems necessary to the performance of his duties. (b) The special policemen in the Division of Special Revenue and the legalized gambling investigative unit in the Division of State Police within the Department of Public Safety shall be responsible for the criminal enforcement of the provisions of this chapter and chapter 226b. They shall have the powers and duties specified in section 29-7c.

(1971, P.A. 865, S. 6; P.A. 77-543, S. 3, 7; P.A. 79-404, S. 13, 45; P.A. 86-419, S. 24.)

History: P.A. 77-573 added enforcement powers in chapter 226b; P.A. 79-404 gave executive director powers formerly held by commission on special revenue and required advice and consent of gaming policy board for regulations; P.A. 86-419 divided the section into Subsecs., adding Subsec. (b), requiring the special policemen in the division of special revenue and legalized gambling investigative unit to be responsible for criminal enforcement of chapters 226 and 226b and amended Subsec. (a) for consistency with Subsec. (b). Cited. 224 C. 693, 702. Subsec. (a): Cited. 224 C. 693, 701.

## Sec. 12-563. Printing of regulations.

All regulations of the division shall be adopted in the manner provided in chapter 54. The executive director shall, at least annually, on or before December thirty-first of each year, publish in convenient pamphlet form all regulations then in force and shall furnish copies of such pamphlets to every establishment authorized to engage in the activities authorized under section 12-567 and to such other persons as desire such pamphlets.

(1971, P.A. 865, S. 7; 1972, P.A. 294, S. 12; P.A. 75-357, S. 1, 2; P.A. 79-404, S. 14, 45; P.A. 96-212, S. 25, 32.)

History: 1972 act substituted Secs. 4-168 to 4-176 for reference to repealed Secs. 4-41 to 4-50; P.A. 75-357 deleted requirement that regulations be made public by publication in two or more newspapers with substantial circulation, effective June 12, 1975, and applicable to regulations issued on or after January 1, 1975; P.A. 79-404 substituted "division" and "executive director" for "commission" and "chapter 54" for "sections 4-166 to 4-174, inclusive"; P.A. 96-212 deleted reference to agents licensed under Sec. 12-569, effective July 1, 1996.

## Sec. 12-563a. Informational materials re programs for prevention, treatment and rehabilitation of chronic gamblers.

The executive director of the Division of Special Revenue shall, within available resources, prepare and distribute informational materials designed to inform the public of the programs available for the prevention, treatment and rehabilitation of compulsive gamblers in this state. The executive director shall require any person or business organization which is licensed to sell lottery tickets, operate an off-track betting system or conduct wagering on racing events or jai alai games, to display such informational

materials at each licensed premise.

(P.A. 96-212, S. 19(a), 32.)

History: P.A. 96-212 effective July 1, 1996 (Revisors' note: Subsec. (a) of section 19 of the act concerning duties of Division of Special Revenue

was codified as Sec. 12-563a, while Subsec. (b) concerning duties of Connecticut Lottery Corporation was codified separately as Sec. 12-818).

See Sec. 12-818 re Connecticut Lottery Corporation funding mechanism for educational, prevention and treatment programs for chronic

gamblers. See Sec. 17a-713 re chronic gamblers program operated by Department of Mental Health and Addiction Services.

#### Sec. 12-564. Annual reports.

Studies. (a) The executive director shall make an annual report in writing to the Governor as provided in section 4-60 and shall make such additional reports as the Governor may from time to time reasonably request. The annual report shall include a statement of the receipts and disbursements of the division, a statement of the costs of administering the division, a summary of its activities, and any additional information and recommendations which the executive director may deem of value or which the Governor may request. (b) The executive director shall, with the advice and consent of the board, conduct studies concerning the effect of legalized gambling on the citizens of this state, including but not limited to, studies to determine the types of gambling activity engaged in by the public and the desirability of expanding, maintaining or reducing the amount of legalized gambling permitted in this state. Such studies shall be conducted as often as the executive director deems necessary but in no event shall a study be conducted less than once every five years. The joint standing committees of the General Assembly having cognizance of matters relating to legalized gambling shall each receive a report concerning each study carried out, stating the findings of the study and the costs of conducting the study.

(1971, P.A. 865, S. 8; P.A. 79-404, S. 15, 45; P.A. 82-294, S. 1; P.A. 96-212, S. 26, 32.)

History: P.A. 79-404 substituted "executive director" and "division" for "commission" where appropriate, specified that report include

administration costs and advertising costs and added Subsec. (b) re conduct of studies of legalized gambling; P.A. 82-294 amended Subsec. (b)

to increase from two to five years the maximum time period between studies on the effects of legalized gambling; P.A. 96-212 amended Subsec.

(a) to delete reference to advertising budget, effective July 1, 1996.

#### Sec. 12-564a. Monthly report re investigations and arrest data.

The executive director of the Division of Special Revenue shall submit a report to the Commissioner of Public Safety and the joint standing committee of the General Assembly having cognizance of matters relating to games of chance and legalized gambling, not later than the fifteenth business day of each month, which report shall set forth a detailed statement of (1) any investigations conducted by the Division of Special Revenue in the previous month and (2) such arrest data as the commissioner or committee may require, including, but not limited to, the number of arrests made by the special policemen in the security unit of the Division of Special Revenue.

(P.A. 84-457, S. 2, 3.)

See Sec. 29-18c re appointment of special policemen for division of special revenue.

#### Sec. 12-565. Power to administer oaths and take testimony.

Subpoena. The executive director or the board may conduct any inquiry, investigation or hearing necessary to carry out the provisions of this chapter. The executive director or any board member shall have power to administer oaths and take testimony under oath concerning the matter of inquiry or investigation. At any hearing ordered, the executive director, the board or an agent authorized by law to issue such process may subpoena witnesses and require the production of records, papers and documents pertinent to such inquiry. No witness under subpoena issued under the provisions of this section shall be excused from testifying or from producing records, papers or documents on the ground that such testimony or the production of such records or other documentary evidence would tend to incriminate him, but such evidence or the records or papers so produced shall not be used in any criminal proceeding against him. If any person disobeys such process or, having appeared in obedience thereto, refuses to answer any pertinent question put to him or to produce any records and papers pursuant thereto, the executive director or board may apply to the superior court for the judicial district of Hartford-New Britain\* or for the judicial district wherein the person resides or wherein the business has been conducted, or to any judge of said court if the same is not in session, setting forth such disobedience to process or refusal to answer. Said court or such judge shall cite such person to appear before said court or such judge to answer such question or to produce such records and papers and, upon his refusal to do so, shall commit such person to a community correctional center until he testifies, but not for a longer period than sixty days. Notwithstanding the serving of the term of such commitment by any person, the executive director or board may proceed with such inquiry and examination as if the witness had not previously been called upon to testify. Officers who serve subpoenas issued by the executive director or the board or under his or its authority and witnesses attending hearings conducted hereunder shall receive the same fees and compensation as officers and witnesses in the courts of this state to be paid on vouchers of the division on order of the Comptroller. The executive director may delegate the powers granted to him under this section to each or any one of the unit heads appointed by him in accordance with section 12-559, to any assistant unit head or the deputy or executive assistant to the executive director. (1971, P.A. 865, S. 9; 1972, P.A. 187, S. 3; June, 1972, P.A. 1, S. 5; P.A. 78-280, S. 2, 6, 127; P.A. 79-404, S. 16, 45; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; 93-325; P.A. 95-220, S. 46.) \*Note: On and after September 1, 1998, the phrase "judicial district of Hartford" shall be substituted for "judicial district of Hartford-New Britain". History: 1972 acts substituted "subcommittee" for "agent", "or" for "and" and "community correctional center" for "jail"; P.A. 78-280 substituted judicial districts for counties and the judicial district of Hartford-New Britain for Hartford county; P.A. 79-404 gave powers and duties formerly held by commission to executive director and gaming policy board or its members and allowed executive director to delegate powers to unit heads; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 93-325 permitted executive director to delegate to any assistant unit head or the deputy or executive assistant to executive director the power to conduct inquiries, investigations or hearings; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995. Statute adequately protects witness against the use of his testimony by federal prosecutors, but is unconstitutional because it violates witness' right against self-incrimination by failing to prohibit the use against the immunized witness of evidence derived from his compelled testimony. 35 CS 105, 106, 111.

Sec. 12-566. Record of proceedings to be public.

The executive director and the board shall provide books in which shall be kept a true, faithful and correct record of all of their proceedings, which books shall be open to the public as provided in section 1-19. (1971, P.A. 865, S. 10; P.A. 79-404, S. 17, 45; P.A. 87-562, S. 1, 2; P.A. 96-212, S. 27, 32.)  
History: P.A. 79-404 substituted executive director and board for commission; P.A. 87-562 added Subsec. (b) providing that unannounced new lottery games and the procedures therefor and serial numbers of unclaimed tickets shall not be available to the public; P.A. 96-212 deleted Subsec. (b) re lottery games and procedures, effective July 1, 1996.

#### Sec. 12-567. Organizational units.

Notwithstanding the provisions of section 4-8 the executive director, with the advice and consent of the board, shall establish within the division such organizational units as he deems necessary for the effective operation of the division. Such units shall be responsible for the following functions: Division administration, licensing and integrity assurance, planning and research, gambling regulation, and state off-track betting and state lottery regulation. Each unit shall be under the direction of a unit head who shall administer and coordinate the operation of his respective unit. The division shall maintain full and complete records of the operation of each unit which shall be open to the public as provided in section 1-19. The executive director shall establish procedures for record keeping. (1971, P.A. 865, S. 11; 1972, P.A. 187, S. 4; P.A. 74-39, S. 1, 2; P.A. 79-404, S. 18, 45; P.A. 87-88; P.A. 96-212, S. 28, 32.)  
History: 1972 act gave divisions supervision of "all forms of horse racing, dog racing, frontons and pari-mutuel systems" and replaced reference to operation of state lottery, racing and off-track betting with "operation of authorized activities"; P.A. 74-39 clarified that "pari-mutuel systems" refers to systems "associated" with the various authorized activities; P.A. 79-404 replaced "divisions" with "units" and "executive directors" with "unit heads" to avoid confusion with division of special revenue and its executive director, replaced previous specific divisions with organizational units deemed necessary by executive director and established with advice and consent of gaming policy board, and listed specific functions of the units; P.A. 87-88 transferred responsibility for maintaining records of operation of units from unit heads to the division and required executive director to establish record keeping procedures; P.A. 96-212 changed administration to regulation in reference to state lottery, effective July 1, 1996.  
Cited. 33 CS 167. Cited. 35 CS 522, 528.

#### Sec. 12-568. Operation of lotteries.

Lottery Fund. Participation in joint lottery games. Payment of prizes and compensation. Certification of balance in fund in excess of division needs. Unclaimed prize moneys to be used for educational purposes. Transfers to General Fund. Section 12-568 is repealed, effective July 1, 1996. (1971, P.A. 865, S. 12; 1972, P.A. 187, S. 5; P.A. 75-344, S. 1, 2; Dec. Sp. Sess. P.A. 75-2, S. 1, 2; P.A. 76-114, S. 19, 21; 76-387, S. 4, 5; P.A. 77-517, S. 1, 2; 77-540, S. 1, 4; P.A. 79-404, S. 19, 45; P.A. 80-310, S. 1, 2; P.A. 81-377, S. 13; P.A. 86-312, S. 5, 21; P.A. 89-355, S. 17, 20; May Sp. Sess. P.A. 94-4, S. 24, 85; P.A. 95-160, S. 38, 64, 69; P.A. 96-139, S. 12, 13; 96-212, S. 31, 32; 96-236, S. 1, 2.)

Sec. 12-568a. Regulation of state lottery.

The Division of Special Revenue shall adopt regulations, in accordance with chapter 54, concerning the regulation of the state lottery under the operation and management of the Connecticut Lottery Corporation. Such regulations may include but need not be limited to offerings of lottery games, minimum prize payouts and payments, regulation of lottery sales agents including qualifications for licensure and license suspension and revocation, lottery sales including categories of sales and limitations on sales, assurance of the integrity of the state lottery including the computer gaming system, computer internal control and system testing, and limitations on advertising and marketing content to assure public information as to the odds of winning the lottery and the prohibition of sales of tickets to minors. (P.A. 96-212, S. 23, 32.)

History: P.A. 96-212 effective July 1, 1996.

See chapter 229a (Sec. 12-800 et seq.) re the Connecticut Lottery Corporation.

Sec. 12-569. Breach of fiduciary responsibility by lottery sales agent.

If the president of the Connecticut Lottery Corporation determines that any lottery sales agent has breached his fiduciary responsibility to the corporation in that the account of such lottery sales agent with respect to moneys received from the sale of lottery tickets has become delinquent in accordance with regulations adopted as provided in section 12-568a, the president shall notify the executive director of the breach of fiduciary duty and the executive director shall impose a delinquency assessment upon such account equal to ten per cent of the amount due or ten dollars, whichever amount is greater, plus interest at the rate of one and one-half per cent of such amount for each month or fraction of a month from the date such amount is due to the date of payment. Subject to the provisions of section 12-3a, the executive director may waive all or part of the penalties provided under this subsection when it is proven to his satisfaction that the failure to pay such moneys to the state within the time allowed was due to reasonable cause and was not intentional or due to neglect. Any such delinquent lottery sales agent shall be notified of such delinquency assessment and shall be afforded an opportunity to contest the validity and amount of such assessment before the executive director who is hereby authorized to conduct such hearing. Upon request of the president of the Connecticut Lottery Corporation, the executive director may prepare and sign a warrant directed to any sheriff, deputy sheriff, constable or any collection agent employed by the Connecticut Lottery Corporation for distraint upon any property of such delinquent lottery sales agent within the state, whether personal or real property. An itemized bill shall be attached thereto certified by the executive director as a true statement of the amount due from such lottery sales agent. Such warrant shall have the same force and effect as an execution issued in accordance with chapter 906. Such warrant shall be levied on any real, personal, tangible or intangible property of such agent and sale made pursuant to such warrant in the same manner and with the same force and effect as a levy and sale pursuant to an execution. The executive director, with the advice and consent of the board, shall adopt regulations in accordance with chapter 54 to carry out the purposes of this section.

(1971, P.A. 865, S. 13; 1972, P.A. 187, S. 6; P.A. 73-235, S. 1, 2; P.A. 75-14, S. 1, 2; P.A. 78-242, S. 1, 2; P.A. 79-27; 79-404, S. 20, 45; P.A. 80-39; P.A.

82-163, S. 1, 6; P.A. 91-281, S. 1, 2; P.A. 96-212, S. 29, 32.)

History: 1972 act amended Subsec. (a) to exclude lottery sales receipts from gross receipts when agent is a lessee of state property whose rental fee is based on gross receipts, amended Subsec. (b) to specify that agents may be required to make deposits "in a special or suspense account in the name of the commission" and added Subsecs. (c) and (d) re compensation to depositories and claim centers; P.A. 73-235 allowed sales of lottery tickets at off-track betting facilities; P.A. 75-14 allowed sales of tickets at commission main office; P.A. 78-242 amended Subsec. (b) to include provisions re delinquency assessments; P.A. 79-27 added provision in Subsec. (b) declaring moneys received from sale of tickets to be

state property while in sales agents' hands; P.A. 79-404 substituted "executive director" and "division" for "commission" and required advice and consent of gaming policy board for establishment of rules and regulations and ticket prices; P.A. 80-39 allowed employees of licensed sales agents to sell lottery tickets in Subsec. (a); P.A. 82-163 amended Subsec. (b) so as to provide penalty and interest re late payment by state lottery agents in amounts and under conditions as to be comparable to such provisions applicable with respect to other state taxes; P.A. 91-281 amended Subsec. (b) to require (1) that all moneys received by lottery sales agents from the sale of lottery tickets be held in trust for the state and (2) that lottery sales agents deposit such moneys in a special or suspense account; P.A. 96-212 deleted Subsecs. (a), (c) and (d) and portions of Subsec. (b) re operation and administration of state lottery, effective July 1, 1996 (Revisor's note: The word "Corporation" was added editorially by the Revisors in the first sentence reference to "president of the Connecticut Lottery Corporation" for consistency). Subsec. (b): Cited. 33 CS 170.

#### Sec. 12-569a. Lottery advertising.

Section 12-569a is repealed, effective July 1, 1996.  
(P.A. 79-273; 79-404, S. 6, 45; P.A. 83-77, S. 1, 2; P. A. 96-212, S. 31, 32.)

#### Sec. 12-570. Forgery, counterfeiting or altering of tickets: Class A misdemeanor.

Any person who forges or counterfeits any ticket made for the purposes of any lottery or pari-mutuel system permitted under this chapter, or who alters any number of such a ticket, or who offers for sale or sells any such forged, counterfeited or altered ticket, knowing it to be such, or who presents any such forged, counterfeited or altered ticket to any person engaged in carrying out this chapter, with intent to defraud the state or any person participating in any such lottery or wagering under any such pari-mutuel system, shall be guilty of a class A misdemeanor.

(1971, P.A. 865, S. 14; P.A. 73-236, S. 1, 2.)

History: P.A. 73-236 included reference to pari-mutuel systems and replaced "conducted" with "permitted" and "adventurer" with "person participating in any such lottery or wagering under any such pari-mutuel system".

#### Sec. 12-570a. Sale of an out-of-state lottery ticket: Class A misdemeanor.

(a) A person is guilty of sale of an out-of-state lottery ticket when he sells, delivers, advertises or offers for sale in this state, for a fee, any lottery ticket for any out-of-state lottery game. (b) Sale of an out-of-state lottery ticket is a class A misdemeanor.

(June Sp. Sess. P.A. 91-3, S. 134, 168.)

History: In 1997 the Revisors editorially changed the phrase "A person is guilty of sales of an out-of-state lottery ticket" to "A person is guilty of sale of an out-of-state lottery ticket" to correct a clerical error in the codification of June Sp. Sess. P.A. 91-3.

Cited. 32 CA 849851. P.A. 91-3, Sec. 134 cited. Id.

## Sec. 12-571. Sale of off-track betting systems.

Regulation of off-track betting systems. (a) The executive director of the Division of Special Revenue shall enter into negotiations with a person or business organization for the award of a contract of sale of the off-track betting system including, but not limited to, the assets and liabilities of the system and the right to operate the system. Such contract of sale shall authorize the purchaser of the system to establish and conduct a system of off-track betting on races held within or without the state pursuant to the provisions of this chapter. All proceeds derived from such sale shall be deposited as provided in section 39 of public act 93-332\*. Until the effective date of transfer of ownership of the off-track betting system, the executive director shall establish and conduct systems of off-track betting on races held within or without the state pursuant to the provisions of this chapter. It is hereby declared that off-track betting on races conducted under the administration or regulatory authority of the division in the manner and subject to the conditions of this chapter shall be lawful notwithstanding the provisions of any other law, general, special or municipal, including any law prohibiting or restricting lotteries, bookmaking or any other kind of gambling, it being the purpose of this chapter to derive from such betting, as authorized by this chapter, a reasonable revenue for the support of state government and to prevent and curb unlawful bookmaking and illegal betting on races. (b) Until the effective date of transfer of ownership of the off-track betting system, the executive director, with the advice and consent of the board, shall adopt rules and regulations, consistent with this chapter, establishing and governing the permitted method or methods of operation of the system of off-track betting.

(1971, P.A. 865, S. 15; 1972, P.A. 187, S. 7; P.A. 79-404, S. 21, 45; P.A. 93-332, S. 29, 42.) \*Note:

Section 39 of public act 93-332 is special in nature

and therefore has not been codified but remains in full force and effect according to its terms.

History: 1972 act did not change section; P.A. 79-404 replaced "commission" with "executive director" and "division" as appropriate and

required advice and consent of gaming policy board in adoption of rules and regulations; P.A. 93-332

amended section to authorize the division

of special revenue to enter into negotiations for the sale of the off-track betting system, effective June 25, 1993.

Cited. 189 C. 591, 598. Cited. 33 CS 167. Cited. 35 CS 522, 528.

## Sec. 12-571a. Moratorium on off-track betting branch facilities.

Exception. Report re improvement of facilities. Simulcasting of dog racing events or jai alai games at teletheaters. (a) The Division of Special Revenue and the Gaming Policy Board shall not operate or authorize the operation of more than eighteen off-track betting branch facilities, except that the division and the board may operate or authorize the operation of any off-track betting facility approved prior to December 31, 1986, by the legislative body of a municipality in accordance with subsection (a) of section 12-572. Any facility approved prior to December 31, 1986, shall be included within the eighteen branch facilities authorized by this subsection. (b) The eighteen off-track betting branch facilities authorized by subsection (a) of this section may include four facilities which have screens for the simulcasting of off-track betting race programs or jai alai games and other amenities including, but not limited to, restaurants and concessions, provided, on and after June 19, 1992, such facilities shall be located in the town and city of New Haven, the town of Windsor Locks, within the dog race track in the town of Plainfield and within the fronton or dog race track in the town and city of Bridgeport, provided no such facility equipped with screens for simulcasting shall be within thirty-five miles of the location of the teletheater in the town of Windsor Locks. Each such facility located within a fronton or a dog race track shall be operated by the state or by a licensee authorized to operate the off-track betting system in conjunction with the licensee of such fronton or dog race track and all such facilities within a fronton or a dog race track shall be operated in substantially the same manner. The location of each such facility shall be approved by the executive director with the consent of the Gaming Policy Board and shall be subject to the prior approval of the legislative body of the town in which such facility is proposed to be located.

The division shall report annually to the joint standing committee of the General Assembly having cognizance of matters relating to legalized gambling on the status of the establishment or improvement of the off-track betting branch facility pursuant to this subsection. (c) If an operator of an off-track betting facility equipped with screens for simulcasting intends to simulcast at such facility dog racing events or jai alai games, such operator (1) shall simulcast dog racing events or jai alai games conducted by any association licensee which offers such racing events or games for simulcasting provided such operator obtains the written consent of such licensee and any other licensee authorized to conduct the same activity located within forty miles of such facility and (2) may simulcast out-of-state dog racing events or jai alai games when no such association licensee is conducting such racing events or games provided such operator has complied with the provisions of subdivision (1) of this subsection. (d) The division and board or a licensee authorized to operate the off-track betting system may operate any off-track betting branch office facilities not operated in the manner of the facilities operated under subsection (b) of this section as facilities which have monitors for off-track betting information, bench seating and adequate public rest room facilities for patrons.

(P.A. 79-297, S. 1, 2; 79-404, S. 6, 45; P.A. 81-46, S. 1, 4; P.A. 83-14, S. 1, 4; P.A. 85-14, S. 1, 4; P.A. 87-528, S. 1, 4; P.A. 89-282, S. 1, 5; 89-390, S. 24, 37; P.A. 91-309, S. 1, 10; 91-366, S. 1, 5; May Sp. Sess. P.A. 92-17, S. 30, 59; P.A. 93-332, S. 30, 42; P.A. 94-223, S. 1, 4.)

History: P.A. 79-404 substituted division of special revenue for commission on special revenue; P.A. 81-46 extended the moratorium to June 30, 1983; P.A. 83-14 extended the moratorium to June 30, 1985; P.A. 85-14 extended the moratorium to June 30, 1987; P.A. 87-528 deleted all provisions in the section, substituting in lieu thereof a prohibition on the operation of more than eighteen off-track betting branch facilities from April 22, 1981, to June 30, 1989, and providing an exception for any facility approved before December 31, 1986, and authorizing the improvement of certain facilities; P.A. 89-282 amended Subsec. (a) to extend the moratorium to June 30, 1991; P.A. 89-390 amended Subsec. (a) to extend moratorium on off-track betting facilities from June 30, 1989, to June 30, 1991, amended Subsec. (b) to (1) increase number of such facilities which may have simulcasting screens from one to three, (2) restrict geographic location of facility authorized on or after July 6, 1989, (3) prohibit location of facility within any jai alai fronton authorized for operation on or after July 6, 1989, and (4) provide that location of each such facility shall be determined by executive director with consent of gaming policy board, subject to prior approval of legislative body of town in which such facility is proposed to be located; P.A. 91-309 amended Subsec. (b) to insert three Subdiv. designations within proviso, adding new language in Subdiv. (2) which required one off-track betting branch facility to be within the Plainfield dog track and to substitute Subpara. designations for Subdiv. designations in Subdiv. (1); P.A. 91-366 amended Subsec. (a) to extend moratorium on off-track betting facilities from June 30, 1991, to June 30, 1993; May Sp. Sess. P.A. 92-17 amended Subsec. (a) to remove the date for the expiration of the moratorium and remove references to the tele-track, Subsec. (b) to increase the simulcasting facilities from three to four, adding a facility within the fronton or dog race track in Bridgeport and to provide that the Plainfield and Bridgeport facilities shall be operated in substantially the same manner; P.A. 93-332 amended section to allow operation of the off-track betting system by an authorized licensee, effective June 25, 1993; P.A. 94-223 amended Subsec. (b) to permit simulcasting facilities to also simulcast jai alai games, inserted new Subsec. (c) re operators of simulcasting facilities who intend to simulcast dog racing events or jai alai games at their facilities and relettered former Subsec. as Subsec. (d), effective June 8, 1994.

Sec. 12-571b. Moratorium on tele-track facilities.

Section 12-571b is repealed.

(P.A. 79-213, S. 1, 2; 79-404, S. 6, 45; P.A. 81-46, S. 2, 4; P.A. 83-14, S. 2, 4; P.A. 85-14, S. 2, 4; P.A. 87-528, S. 2, 4; P.A. 89-282, S. 2, 5; P.A. 91-366, S. 2, 5; May Sp. Sess. P.A. 92-17, S. 58, 59.)

Sec. 12-572. Off-track betting facilities.

Deposit of daily receipts. Distribution of sums in pari-mutuel pool. Contract disputes. (a) The executive director, with the advice and consent of the board, may establish or authorize the establishment of such off-track betting facilities throughout the state for the purpose of receiving moneys wagered on the results of races or jai alai games as he shall deem will serve the convenience of the public and provide maximum economy and efficiency of operation, provided the establishment of such a facility in any municipality for the purpose of receiving moneys on the results of races or jai alai games shall be subject to the approval of the legislative body of such municipality which shall be given only after a public hearing on the same. Until the effective date of transfer of ownership of the off-track betting system, moneys received at such facilities shall be deposited in a betting fund from which daily payments, in such amount as the executive director deems suitable, shall be made. If an operator of an off-track betting facility intends to conduct wagering on dog racing events or jai alai games, such operator (1) shall conduct wagering on dog racing events or jai alai games conducted by any association licensee which offers such racing events or games for off-track betting provided such operator obtains the written consent of such licensee and (2) may conduct wagering on out-of-state dog racing events or jai alai games when no such association licensee is conducting such racing events or games provided such operator has complied with the provisions of subdivision (1) of this subsection. No operator of an off-track betting facility shall conduct wagering on any dog racing event or jai alai game if such racing event or game is conducted within forty miles of such facility unless such operator has obtained the written consent of the licensee conducting such racing event or game. (b) The executive director, with the approval of the board, is authorized to contract with any person or business organization to provide such facilities, components, goods or services as may be necessary for the effective operation of an off-track betting system. Compensation for such facilities, components, goods or services shall be deducted from the moneys retained pursuant to subsections (c) and (d) of this section in such amount as the executive director shall determine. (c) The division or any person or business organization operating an off-track betting system shall distribute all sums deposited in a pari-mutuel pool, to the holders of winning tickets therein, less seventeen per cent of the total deposits of such pool plus the breakage to the dime of the amount so retained, except as provided in subsection (d) of this section. (d) (1) If the multiple forms of wagering known as daily double, exacta and quinella are permitted by the board, the division or any person or business organization operating the off-track betting system shall distribute all sums deposited in the pari-mutuel pool for any such event to the holders of winning tickets therein, less nineteen per cent of the total deposits in such pool plus the breakage to the dime. (2) If multiple forms of wagering on three or more animals are permitted by the board, the division or such person or business organization operating an off-track betting system, may retain up to twenty-five per cent of the total sums deposited in the pool for such event, plus the breakage to the dime, the exact percentage to be established by the board, provided in no case shall the percentage retained be less than seventeen per cent. (e) The division or any person or business organization operating an off-track betting system and conducting wagering on racing events or jai alai games held in this state and licensed under the provisions of this chapter shall distribute all sums deposited in a pari-mutuel pool to the holders of winning tickets therein, less the same percentage of the total deposits of such pool applicable to such racing events or jai alai games plus the breakage to the dime of the amount retained by each licensee conducting the racing events or jai alai games. (f) Any person or business organization which has entered into a contract with the state, acting through the executive director under the provisions of subsection (b) of this section, except a contract with an individual for personal services, may, in the event of any disputed claims under such contract, bring an action against the state to the superior court for the judicial

district of Hartford-New Britain\* for the purpose of having such claims determined, provided notice of the general nature of such claims shall have been given in writing to the division not later than one year after the termination of such contract. No action shall be brought under this section later than three years from the date of termination of the contract. Such action shall be tried to the court without a jury.

Damages recoverable in such action shall not include any amount attributable to anticipated profits but shall be limited to the recovery of actual damages sustained arising out of such contract. All legal defenses except governmental immunity shall be reserved to the state. (g) The division or any person or business organization operating an off-track betting system, with the approval of the board, may combine wagers placed within such off-track betting system with similar wagering pools at the facility where a racing program is being conducted, regardless of whether such facility is located within or without the state. Such pari-mutuel wagers shall be combined in such form and manner as the executive director may determine to be in the best interests of the off-track betting system established pursuant to the provisions of section 12-571. Notwithstanding the provisions of subsection (c) or (d) of this section to the contrary, the division or any person or business organization operating an off-track betting system and conducting wagering on racing events held without this state, with the approval of the board, may distribute to the holders of winning tickets who have placed wagers in said combined pools such sums as may be deposited in said combined pari-mutuel pools, less the same percentage of the total deposits of such combined pools as is established at the facility where such racing program is conducted plus the breakage to the dime, as shall be determined by the executive director with the approval of the board.

(1971, P.A. 865, S. 16; 1972, P.A. 187, S. 8; P.A. 73-344, S. 1, 2; P.A. 78-280, S. 6, 127; P.A. 79-404, S. 22, 45; P.A. 80-133, S. 3, 10; P.A. 82-284, S. 1, 4; P.A. 83-275, S. 1, 2; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; May Sp. Sess. P.A. 92-17, S. 31, 59; P.A. 93-142, S. 4, 7, 8; 93-332, S. 31, 42; P.A.

94-223, S. 2, 4; P.A. 95-220, S. 46.) \*Note: On and after September 1, 1998, the phrase "judicial district of Hartford" shall be substituted for "judicial district of Hartford-New Britain".

History: 1972 act replaced "shall" with "may", thereby making establishment of branch offices dependent upon commission's discretion and

deleted reference to a state lottery on race results; P.A. 73-344 replaced references to branch offices with references to off-track betting facilities

and added Subsecs. (b) to (e); P.A. 78-280 substituted judicial district of Hartford-New Britain for Hartford county; P.A. 79-404 substituted

"executive director", "division" and "board" for "commission" as necessary and made Subsec. (d) apply with respect to animals in general

rather than to horses only; P.A. 80-133 substituted "business organization" for "firm, partnership, association or corporation"; P.A. 82-284

amended Subsec. (d) by adding Subdiv. (1) provisions increasing the takeout for daily double exacta and quinella wagers; P.A. 83-275 inserted

new Subsec. (e) to require the division or any person operating an off-track betting system and conducting off-track betting on in- state racing

events to adopt takeout rate applicable to in-state racing activity for off-track purposes, relettering former Subsec. (e) accordingly; P.A. 88-230

replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 90-98 changed the

effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; May Sp. Sess. P.A. 92-17 added new Subsec. (g) to authorize

division or any person operating an off-track betting system, with approval of board, to combine wagering pools at facilities located within or

without the state; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993;

P.A. 93-332 made technical changes in section re operation of the off-track betting system by an authorized licensee, effective June 25, 1993;

P.A. 94-223 amended Subsecs. (a) and (e) to add references to "jai alai games" after references to "races" and "racing events" and inserted new

language in Subsec. (a) re conduct of wagering on dog racing events or jai alai games by operators of off-track betting facilities, effective June

8, 1994; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995.  
Cited. 35 CS 522, 528.

Sec. 12-572a. (Formerly Sec. 12-575a). Municipal income from money wagered.

Section 12-572a is repealed, effective June 25, 1993.  
(P.A. 74-249, S. 1, 6; P.A. 79-404, S. 28, 45; P.A. 83-356, S. 1, 2; P.A. 86-318, S. 1, 2; P.A. 93-332, S. 41, 42.)

Sec. 12-573. Certification of balance in betting fund in excess of division needs.

Transfer to General Fund. Until the effective date of transfer of ownership of the off-track betting system, and from time to time the executive director shall estimate, and certify to the Comptroller, that portion of the balance in the betting fund which is in excess of the current needs of the division for the payment of prizes and for the payment of compensation under section 12-572. Upon receipt of any such certification, the amount so certified shall be transferred from the betting fund to the General Fund.  
(1971, P.A. 865, S. 17; 1972, P.A. 187, S. 9; P.A. 79-404, S. 23, 45; P.A. 86-312, S. 6, 21; P.A. 93-332, S. 32, 42.)

History: 1972 act added reference to Subsecs. (c) and (d) of Sec. 12-569; P.A. 79-404 substituted "executive director" and "division" for "commission" as necessary; P.A. 86-312 required executive director to certify excess balance to comptroller rather than to state treasurer and deleted references to lottery fund to reflect amendment to Sec. 12-568 concerning said fund; P.A. 93-332 made technical changes in section re operation of the off-track betting system by an authorized licensee, effective June 25, 1993.

Sec. 12-573a. Operation of frontons.

The board may authorize the operation of frontons in the state for exhibition of the Spanish ball game called jai alai or pelota. The operation of all frontons shall be under the supervision of the division.  
(1972, P.A. 187, S. 11; P.A. 79-404, S. 24, 45.)

History: P.A. 79-404 substituted "board" for "commission" and replaced state racing division with reference to division of special revenue.

Cited. 189 C. 591, 598. Cited. 33 CS 168. Cited. 35 CS 522, 528.

Sec. 12-574. Licensing.

(a) Association licensees. No person or business organization may conduct a meeting at which racing or the exhibition of jai alai is permitted for any stake, purse or reward or operate the off-track betting system unless such person or business organization is licensed as an association licensee by the board. Any such licensee authorized to conduct a meeting or operate the off-track betting system shall indemnify and save harmless the state of Connecticut against any and all actions, claims, and demands of whatever kind or nature which the state may sustain or incur by reason or in consequence of issuing such license. (b) Affiliate licensees licensed by board. No business organization, other than a shareholder in a publicly traded corporation, may exercise control in or over an association licensee unless such business

organization is licensed as an affiliate licensee by the board. (c) Concessionaire licensees. No person or business organization may operate any concession at any meeting at which racing or the exhibition of jai alai is permitted or any concession which is allied to an off-track betting facility unless such person or business organization is licensed as a concessionaire licensee by the executive director. (d) Vendor licensees. No person or business organization awarded the primary contract by the Connecticut Lottery Corporation or by an association licensee to provide facilities, components, goods or services which are necessary for the operation of the activities authorized by the provisions of section 12-572 or chapter 229a, may do so unless such person or business organization is licensed as a vendor licensee by the executive director. (e) Totalizator licensees. No person or business organization may provide totalizator equipment and services to any association licensee for the operation of a pari-mutuel system unless such person or business organization is licensed as a totalizator licensee by the executive director. (f) Affiliate licensees licensed by executive director. No business organization, other than a shareholder in a publicly traded corporation, may exercise control in or over a concessionaire, vendor or totalizator licensee unless such business organization is licensed as an affiliate licensee by the executive director. (g) Occupational licensees. No person may participate in this state in any activity permitted under this chapter as an employee of an association, concessionaire, vendor, totalizator or affiliate licensee unless such person is licensed as an occupational licensee by the executive director. Whether located in or out of this state no officer, director, partner, trustee or owner of a business organization which obtains a license in accordance with this section may continue in such capacity unless such officer, director, partner, trustee or owner is licensed as an occupational licensee by the executive director. An occupational license shall also be obtained by any shareholder, key executive, agent or other person connected with any association, concessionaire, vendor, totalizator or affiliate licensee, who in the judgment of the executive director will exercise control in or over any such licensee. Such person shall apply for a license not later than thirty days after the executive director requests him, in writing, to do so. The executive director shall complete his investigation of an applicant for an occupational license and notify such applicant of his decision to approve or deny the application within one year after its receipt. Such period may be extended by the board upon a showing of good cause by the executive director, after giving the applicant a reasonable opportunity for a hearing before the board. (h) Type of license in question: Determination. If any business organization qualifies to be licensed either as an affiliate of an association licensee or as a concessionaire, such business organization shall be licensed as an affiliate licensee by the board. If any business organization qualifies to be licensed either as an affiliate of a concessionaire licensee or as a concessionaire, such business organization shall be licensed as an affiliate licensee by the executive director. (i) Information required for licensing. Licensing and regulation of licensees by executive director. In determining whether to grant a license the board or the executive director may require the applicant to submit information as to: Financial standing and credit; moral character; criminal record, if any; previous employment; corporate, partnership or association affiliations; ownership of personal assets; and such other information as it or he deems pertinent to the issuance of such license. The executive director may reject for good cause an application for a license, and he, the deputy executive director, the executive assistant, any unit head or any assistant unit head authorized by the executive director may suspend or revoke for good cause any license issued by him after a hearing held in accordance with chapter 54. In addition, if any affiliate licensee licensed by the executive director fails to comply with the provisions of this chapter the executive director, after a hearing held in accordance with chapter 54, may revoke or suspend the license of any one or more of the following related licensees: Concessionaire, vendor or totalizator, and may fine any one or more of said licensees in an amount not to exceed two thousand five hundred dollars. Any licensee whose license is suspended or revoked, or any applicant aggrieved by the action of the executive director concerning an application for a license may appeal not later than fifteen days after such decision to the board in accordance with subsection (j) of this section. (j) Regulations governing licensee's operation; penalties for failure to comply; hearings and appeals. The executive director, with the advice and consent of the board shall adopt regulations governing the operation of the off-track betting system and facilities, tracks, stables, kennels and frontons, including the regulation of betting in connection therewith, to insure the integrity and security of the conduct of meetings and the broadcast of racing events held pursuant to this chapter. Such regulations shall include provision for the imposition of fines and suspension of licenses for violations thereof. Prior to the adoption of any regulations concerning the treatment of animals at any dog race track, the executive director shall notify the National Greyhound Association of the contents of such regulations and of its right to request a hearing pursuant to chapter 54. The board shall have the authority to impose a fine of up to seventy-five

thousand dollars for any violation of such regulations by a licensee authorized to conduct a meeting or operate the off-track betting system under this section and a fine of up to five thousand dollars for any violation of such regulations by any other licensee. The executive director shall have the authority to impose a fine of up to two thousand five hundred dollars for any such violation by any licensee licensed by him and the stewards or judges of a meeting acting in accordance with such regulations shall have the authority to impose a fine of up to five hundred dollars for any such violation by such licensee, and the players' manager of a jai alai exhibition acting in accordance with such regulations shall have the authority to recommend to the judges that a fine should be considered for a player who may have violated such regulations. The board may delegate to the stewards and judges of a meeting the power to suspend the license of any occupational licensee employed in this state by an association licensee for a period not to exceed sixty days for any violation of such regulations. If any license is suspended, such stewards and judges of a meeting shall state the reasons therefor in writing. All fines imposed pursuant to this section shall be paid over to the General Fund upon receipt by the division. Any person or business organization fined or suspended by an authority other than the board or any licensee or applicant for a license aggrieved by a decision of the executive director under subsection (i) shall have a right of appeal to the board for a hearing. All hearings, other than appellate hearings before the board, shall be conducted pursuant to chapter 54. Any person or business organization aggrieved by a decision of the board shall have a right of appeal pursuant to section 4-183. (k) Preparation and maintenance of books and records. The executive director shall have the power to require that the books and records of any licensee, other than an occupational licensee, shall be maintained in any manner which he may deem best, and that any financial or other statements based on such books and records shall be prepared in accordance with generally accepted accounting principles in such form as he shall prescribe. The executive director or his designee shall also be authorized to visit, to investigate and to place expert accountants and such other persons as he may deem necessary, in the offices, tracks, frontons, off-track betting facilities or places of business of any such licensee, for the purpose of satisfying himself that the division's regulations are strictly complied with. (l) Removal of employee or official of licensee. The executive director may at any time for good cause require the removal of any employee or official employed by any licensee hereunder. (m) Licensing and regulation of licensees by board. The board shall have the right to reject any application for a license for good cause and the action of the board as to the license and the meeting dates assigned shall be final, provided any person or business organization aggrieved by the action of the board concerning an application for a license may appeal such decision in accordance with section 4-183. The board shall, as far as practicable, avoid conflicts in the dates assigned for racing or the exhibition of the game of jai alai in the state. Any license granted under the provisions of this chapter is a revocable privilege and no licensee shall be deemed to have acquired any vested rights based on the issuance of such license. Any such license shall be subject to the regulations set forth by the executive director with the advice and consent of the board. Any license issued by the board shall be subject to suspension or revocation for good cause, after giving the licensee a reasonable opportunity for a hearing before the board, at which he shall have the right to be represented by counsel. In addition, if any affiliate licensee licensed by the board fails to comply with the provisions of this chapter the board, after a hearing held in accordance with chapter 54, may revoke or suspend the license of the related association licensee and may fine the related association licensee in an amount not to exceed seventy-five thousand dollars or both. If any license is suspended or revoked the board shall state the reasons for such suspension or revocation and cause an entry of such reasons to be made on the record books of the board. Any licensee aggrieved by the action of the board may appeal therefrom in accordance with section 4-183. (n) Licensing exemptions. The appropriate licensing authority may, on its own motion or upon application, exempt any person or business organization from the licensing requirements of this chapter or some or all of the disclosure requirements of chapter 226b. The appropriate licensing authority, in making its determination, shall consider whether the applicant seeking the exemption will exercise control in or over an activity which is ancillary to and not an integral part of any activity authorized under this chapter. The burden of proving that an exemption should be granted rests solely with the applicant. The licensing authority making the determination may limit or condition the terms of an exemption and such determination shall be final. (o) Penalty for aiding meeting without license. Any person aiding or abetting in the operation of an off-track betting system or the conduct of any meeting within this state at which racing or the exhibition of the game of jai alai shall be permitted for any stake, purse or reward, except in accordance with a license duly issued and unsuspended or unrevoked by the board or the executive director, shall be guilty of a class A misdemeanor. (p) Residency requirement. The majority of the membership of the

board of directors of any corporation licensed to operate the off-track betting system or to hold or conduct any meeting within the state of Connecticut at which racing or the exhibition of the game of jai alai shall be permitted for any stake, purse or reward, shall be residents of the state of Connecticut. (q) License application and renewal. Any license granted under this section other than a license issued by the board shall be effective for not more than one year from the date of issuance. Initial application for and renewal of any license shall be in such form and manner as the executive director shall, by regulation adopted with the advice and consent of the board, prescribe. (r) Pet adoption program for retired greyhounds. Any person or business organization issued a license to conduct dog racing shall establish a pet adoption program for the proper housing and care of retired greyhounds and shall provide financial support for such program and any facility operated to implement such program. (s) Employment of recipients of public assistance or support at dog race track. Any person or business organization issued a license to conduct dog racing pursuant to subsection (c) of section 12-574c shall employ persons who, at the time of employment, are recipients of assistance under section 17b-19, 17b-22, 17b-63 to 17b-65, inclusive, 17b-75 to 17b-77, inclusive, 17b-79 to 17b-103, inclusive, 17b-114 to 17b-138, inclusive, 17b-180 to 17b-183, inclusive, 17b-220 to 17b-250, inclusive, 17b-256, 17b-259 to 17b-287, inclusive, 17b-340 to 17b-350, inclusive, 17b-357 to 17b-362, inclusive, 17b-600 to 17b-604, inclusive, 17b-689 to 17b-693, inclusive, 17b-743 to 17b-747, inclusive, 17b-807 or 17b-808 to fill not less than twenty per cent of the positions created by the conversion of a jai alai fronton to a dog race track if such persons have been trained for such employment by public or publicly-funded agencies in coordination with such licensee. (t) Day care facility for use by employees of dog race track. Any person or business organization issued a license to conduct dog racing pursuant to subsection (c) of section 12-574c shall provide an on-site day care facility for use by employees of the dog race track. Such licensee shall employ persons who, at the time of employment, are recipients of aid under chapter 302 or 308 to fill not less than fifty per cent of the positions at such day care facility if such persons have been trained for such employment by public or publicly-funded agencies in coordination with such licensee. (u) Dog race track to operate on year-round basis. Number of performances. Notwithstanding any other provisions of this chapter to the contrary, any person or business organization issued a license to conduct dog racing may operate on a year-round basis and may conduct such number of performances as it may elect, provided the total number of such performances does not exceed five hundred and eighty performances in any calendar year.

(1971, P.A. 865, S. 18; 1972, P.A. 187, S. 10; June, 1972, P.A. 1, S. 6; P.A. 73-260, S. 1, 2, 3, 5; P.A. 75-13, S. 1, 2; 75-22, S. 1, 2; P.A. 76-436, S. 327,

681; P.A. 78-280, S. 5, 127; P.A. 79-21; 79-24, S. 1; 79-150; 79-404, S. 25, 45; P.A. 80-20; 80-133, S. 4, 10; P.A. 83-435, S. 2, 3; P.A. 85-23; P.A.

91-309, S. 2, 3, 10; 91-406, S. 26, 29; P.A. 93-332, S. 33, 42; P.A. 96-212, S. 30, 32.)

History: 1972 acts included dog racing and jai alai under provisions of section and substituted court of common pleas for superior court in Subsec. (g); P.A. 73-260 amended Subsec. (a) to delete provision re licensing of horse racing meets where there is no wagering and dog racing meets with pari-mutuel, perfecta, quinella and trifecta betting and to add provision re indemnification of state, amended Subsec. (b) to include concessions allied to off-track betting facility and to allow requirement that persons having ownership interest in applicant be fingerprinted, and amended Subsec. (d) to include regulations "to insure the integrity and security of the conduct of meetings" and to add provisions re fines for violations; P.A. 75-13 amended Subsec. (b) to replace superior court with court of common pleas and set deadline for appeal in Subsecs. (b) and (g); P.A. 75-22 amended Subsec. (d) to allow suspension of licenses by commission or stewards and judges when authorized to do so by commission; P.A. 76-436 substituted superior court for court of common pleas in Subsecs. (b) and (g), effective July 1, 1978; P.A. 78-280 substituted judicial district of Hartford-New Britain for Hartford county; P.A. 79-21 amended Subsec. (g) to specify that licenses are revocable and that licensees acquire no vested rights upon issuance of their licenses; P.A. 79-24 added Subsec. (j) re expiration and renewal of licenses;

P.A. 79-150 amended Subsec. (d) to increase fine for licensees under section to maximum of seventy-five thousand dollars, leaving five thousand dollar maximum applicable to violation by "any other licensee", removed provision allowing imposition of fine by jai alai players' manager but allowed such managers to recommend that stewards and judges impose a fine; P.A. 79-404 replaced "commission" with "executive director", "division" or "board" as necessary, required that appeals be made in accordance with Sec. 4-183, replacing previous appeal provisions, inserted new Subsec. (d) re licensing procedure and suspension and revocation of licenses, relettering former Subsecs. (d) to (j) accordingly, and made other technical changes clarifying provisions; P.A. 80-20 allowed unit heads to revoke licenses and changed deadline for appeal from thirty to fifteen days in Subsec. (d); P.A. 80-133 removed provision re operation of concessions in Subsec. (a), deleted former Subsecs. (b) and (c) and first part of (d) and inserted new Subsecs. (b) to (h) re affiliate, concessionaire, vendor and totalizer licensees, placed provision re decisions on granting license, formerly in Subsec. (d), in Subsec. (i) and expanded provisions re information required and re revocation or suspension of license and imposition of fines, redesignated Subsecs. (e), (f), (g) and (h) as (j), (k), (l) and (m) and clarified provisions, inserted new Subsec. (n) re exemptions from licensing and disclosure requirements, and redesignated Subsecs. (i), (j) and (k) as (o), (p) and (q) and clarified provisions; P.A. 83-435 amended Subsec. (i), authorizing the deputy executive director to suspend or revoke licenses after conducting a hearing; P.A. 85-23 amended Subsec. (g), requiring executive director to complete investigation of occupational license applicant and notify applicant of decision to approve or deny within one year after application receipt, unless an extension is granted; P.A. 91-309 amended Subsec. (j) to require executive director to notify National Greyhound Association of contents of regulations re treatment of animals at dog track and its right to request a hearing prior to adoption of regulations and added new Subsecs. (r) to (u), inclusive, requiring establishment of pet adoption program for retired greyhounds, employment of recipients of public assistance or support at new dog race track, provision of on-site day care facility for use by employees of new dog race track, and permitting operation of dog race track on year-round basis and limiting number of performances in any calendar year; P.A. 91-406 made technical correction in Subsec. (j); P.A. 93-332 made technical changes re operation of the off-track betting system by an authorized licensee and amended Subsec. (i) to authorize the executive assistants of the director and assistant unit heads to suspend or revoke an application for a license, effective June 25, 1993; P.A. 96-212 amended Subsec. (d) to change state to Connecticut Lottery Corporation re award of primary contract and made technical changes, effective July 1, 1996. Subsec. (b): Failure by plaintiff to claim it was denied a license by commission resulted in plaintiff's lack of standing to appeal under this section. 173 C. 384, 386. Subsec. (j): Cited. 193 C. 379, 382. Subsec. (m): Cited. 3 CA 254, 256, 257.

#### Sec. 12-574a. Town referendum on racing and fronton.

Sunday operation for racing and jai alai events and off-track pari-mutuel betting on racing programs. (a) Whenever a person or business organization files an application with the board for a license to conduct an activity regulated by section 12-574, exclusive of renewal license applications, the board shall forward

within five days to the town clerk of the town within which such activity is proposed to be carried on a statement specifying the prospective applicant, the proposed activity, the site on which such activity is proposed to be conducted and the fact that an application has been filed with the board. Within ten days after such statement has been filed, such town clerk shall cause notice of such filing to be published in a newspaper having a circulation in the town wherein the activity is to be conducted. The question of the approval of the conducting of such activity shall be submitted to the electors of such town at a special election called for the purpose to be held not less than thirty nor more than sixty days after such publication, in conformity with the provisions of section 9-369, or at a regular town election if such election is to be held more than sixty but not more than one hundred twenty days after such publication, such question shall be so submitted and the vote shall be taken in the manner prescribed by said section 9-369. The town clerk shall notify the board of the results of such election. The disapproval of the conducting of such activity by a majority of those voting on the question shall be a bar to the granting of a license to that applicant to conduct such activity at such location. All costs incurred by a municipality in connection with such referendum shall be paid to said municipality by the person or business organization filing such application for such license. The provisions of this subsection shall not apply to any licensee authorized to operate the off-track betting system with respect to any off-track betting facility approved prior to June 25, 1993. (b) No licensee may conduct any racing or jai alai event on any Sunday without the prior approval of the legislative body of the town in which the event is scheduled to take place. (c) No licensee authorized to operate the off-track betting system may conduct any off-track pari-mutuel wagering on any racing program on any Sunday without the prior approval of the legislative body of the town in which such off-track betting facility is located. (d) Notwithstanding the provisions of subsection (a) of this section, the prior approval of the legislative body only of the town shall be required in the event the division or the board issues a license pursuant to subsection (c) of section 12-574c. (P.A. 73-600, S. 1, 2; P.A. 77-441; P.A. 79-404, S. 26, 45; P.A. 80-133, S. 5, 10; P.A. 81-50, S. 1, 2; 81-472, S. 17, 159; P.A. 83-81, S. 1, 2; 83-300, S. 1, 2; P.A. 85-42, S. 1, 2; P.A. 87-121, S. 1, 2; P.A. 91-309, S. 4, 10; P.A. 93-332, S. 34, 42; P.A. 96-151, S. 1, 3.)

History: P.A. 77-441 deleted provisions concerning petition as intermediary step between publication of notice and holding of referendum and added provision requiring costs of referendum to be paid by applicant for license; P.A. 79-404 substituted references to gaming policy board for references to commission on special revenue or its executive secretary and forbade holding of Sunday racing or jai alai meetings without approval of town legislative body; P.A. 80-133 substituted "business organization" and "licensee" for "firm, partnership, association or corporation" as necessary and "event" for "meeting"; P.A. 81-50 added the provision requiring the board to assign Sunday meeting dates, with some restrictions, if requested by the licensee after prior approval of the legislative body of the town involved; P.A. 81-472 made technical changes; P.A. 83-81 required the gaming policy board to permit a licensee to finish a Saturday evening performance by 1 a.m. on Sunday; P.A. 83-300 subdivided the section, adding Subsec. (c), permitting vendor licensees providing facilities, goods or services for an off-track betting system to conduct pari-mutuel wagering on harness or thoroughbred racing events on Sunday only with prior approval of the town's legislative body; P.A. 85-42 amended Subsec. (a), permitting executive director to authorize vendor licensees to conduct make-up performances; P.A. 87-121 amended Subsec. (c) to delete references to "harness or thoroughbred" racing "event" or "performances" and substitute racing "program" in lieu thereof and to provide for the conduct of wagering on afternoon and evening racing programs in Subdiv. (3); P.A. 91-309 added Subsec. (d), requiring only prior approval of the legislative body of the town in event division or board issues a license pursuant to Sec. 12-574c(c); P.A. 93-332 amended Subsec. (a) to exempt a licensee authorized to operate the off-track betting systems from the provisions of said

Subsec. and amended Subsec. (c) to make changes re the operation of the off-track betting systems by an authorized licensee, effective June 25, 1993; P.A. 96-151 amended Subsecs. (b) and (c) to delete provisions restricting Sunday operation for licensees, effective July 1, 1996. Time limit fixed does not remove requirement under section 7-9 that each page of petition contain a six months' clause. 30 CS 365. Cited. 33 CS 168.

#### Sec. 12-574b. Horse racing.

Special Revenue Advisory Board established. Appointment. Section 12-574b is repealed. (P.A. 77-469, S. 1, 2; P.A. 79-404, S. 44, 45.)

#### Sec. 12-574c. Licensing moratorium.

Exceptions. (a) The Division of Special Revenue or the Gaming Policy Board shall not issue a license authorizing any person, firm, corporation or association to conduct horse racing, dog racing or jai alai events. (b) Notwithstanding the provisions of subsection (a), the division or the board may renew any license issued prior to May 23, 1979, or issue such a license to a currently operating facility. (c) (1) Notwithstanding the provisions of subsection (a) of this section, the division or the board may, on or after July 5, 1991, issue one additional license authorizing a person or business organization to conduct dog racing to a person or business organization holding a license to conduct jai alai events or to the successor of such business organization upon the surrender of the license to conduct jai alai events. (2) No license issued pursuant to this subsection shall provide for the operation of any dog race track prior to October 1, 1992, unless the licensee agrees to fully reimburse the state for all costs associated with the licensing and operation of such track prior to June 30, 1992. (d) No licensee shall move any horse race track, dog race track or jai alai fronton to any municipality other than the municipality in which such facility was located on July 5, 1991. (P.A. 79-309, S. 1, 2; P.A. 81-46, S. 3, 4; P.A. 83-14, S. 3, 4; P.A. 85-14, S. 3, 4; P.A. 87-528, S. 3, 4; P.A. 89-282, S. 3, 5; P.A. 91-309, S. 5, 10; 91-366, S. 3, 5; May Sp. Sess. P.A. 92-17, S. 32, 59; May 25 Sp. Sess. P.A. 94-1, S. 117, 130.) History: P.A. 81-46 extended the moratorium to June 30, 1983; P.A. 83-14 extended the moratorium to June 30, 1985; P.A. 85-14 extended moratorium to June 30, 1987; P.A. 87-528 extended the moratorium to June 30, 1989, and deleted references to "commission on special revenue" and "any successor agency with similar licensing powers", substituting division of special revenue and the gaming policy board in lieu thereof; P.A. 89-282 extended the moratorium to June 30, 1991; P.A. 91-309 added new Subsecs. (c) and (d), permitting division or board, on or after July 5, 1991, to issue one additional license authorizing conduct of dog racing to person or business organization holding a license to conduct jai alai events upon surrender of license to conduct jai alai events, and prohibiting licensee from moving any horse or dog track or fronton to any municipality other than the municipality in which facility was located on July 5, 1991; P.A. 91-366 extended the moratorium to June 30, 1993; May Sp. Sess. P.A. 92-17 removed the date for the expiration of the moratorium but allowed the division or board to issue a license to a currently operating facility; May 25 Sp. Sess. P.A. 94-1 amended Subdiv. (1) of Subsec. (c) to authorize issuance of one additional license to conduct dog racing to the successor of a business organization holding a license to conduct jai alai events, effective July 1, 1994.

See Sec. 12-574 re transfer of licensing authority to gaming policy board pursuant to public act 79-404.

### Sec. 12-575. Pari-mutuel betting.

Tax. Uncashed tickets. Payments to municipalities. (a) Pari-mutuel betting permitted. The board may permit at racing events, exhibitions of the game of jai alai licensed under the provisions of this chapter or at off-track betting facilities, betting under a pari-mutuel system, so called, including standard pari-mutuel, daily double, exacta, quinella, trifecta, superfecta, twin trifecta, pick four and pick six betting, and such other forms of multiple betting as the board may determine. (b) Operation of pari-mutuel system. The pari-mutuel system, so called, shall not be used or permitted at any location other than the race track at which the racing event is licensed to be conducted or the fronton at which the game of jai alai is licensed to be played or at an off-track betting facility operated by the division or by a licensee authorized to operate the off-track betting system. A computerized electronic totalizator system, approved by the executive director, shall be used to conduct pari-mutuel wagering at each racing or jai alai event. A computerized electronic totalizator system approved by the executive director and, where authorized by subsection (b) of section 12-571a, and approved by the executive director, a simulcast system shall be used to conduct pari-mutuel wagering and simulcasting of off-track betting race programs at off-track betting facilities. The executive director may require any licensee to submit information concerning the daily operation of such totalizator or simulcast system which he deems necessary for the effective administration of this chapter, including records of all wagering transactions, in such form and manner as he shall prescribe. (c) Takeout required. Purses, capital improvement and promotional marketing for dog racing. (1) Except as provided in subdivision (2) of this subsection, each licensee conducting horse racing events under the pari-mutuel system shall distribute all sums deposited in any pari-mutuel program to the holders of winning tickets therein, less seventeen per cent of the total deposits plus the breakage to the dime of the amount so retained; each licensee conducting jai alai events shall distribute all sums deposited in any pari-mutuel program to the holders of winning tickets therein, less a maximum of twenty per cent of the total deposits plus the breakage to the dime of the amount so retained; each licensee conducting dog racing events shall distribute all sums deposited in any pari-mutuel program to the holders of winning tickets therein, less twenty per cent of the total deposits plus the breakage to the dime of the amount so retained, provided on and after July 1, 1992, each licensee conducting dog racing events on July 5, 1991, shall allocate four per cent of all sums deposited in any pari-mutuel program to purses, one-quarter of one per cent to capital expenditures for alterations, additions, replacement changes, improvements or major repairs to or upon the property owned or leased by any such licensee and used for such racing events, and one-quarter of one per cent to promotional marketing, to reduce the costs of admission, programs, parking and concessions and to offer entertainment and giveaways. Each licensee conducting dog racing events shall, on an annual basis, submit to the division certified financial statements verifying the use of such allocations for purses, capital improvements and promotional marketing. (2) Each licensee conducting racing or jai alai events may carry over all or a portion of the sums deposited in any pari-mutuel program, less the amount retained as herein provided, in the twin trifecta, pick four or pick six pari-mutuel pool to another pool, including a pool in a succeeding performance. (d) Tax: Horse racing. Each licensee conducting horse racing events under the pari-mutuel system shall pay to the state, and there is hereby imposed: (1) A tax on the total money wagered in the pari-mutuel pool on each and every day the licensee conducts racing events, pursuant to the following schedule: Total Wagered Tax 0 -> to \$100,001 3.25% on the entire pool \$100,001 -> to \$200,001 3.75% on the entire pool \$200,001 -> to \$300,001 4.25% on the entire pool \$300,001 to \$400,001 4.75% on the entire pool \$400,001 to \$500,001 5.25% on the entire pool \$500,001 to \$600,001 5.75% on the entire pool \$600,001 to \$700,001 6.25% on the entire pool \$700,001 to \$800,001 6.75% on the entire pool \$800,001 to \$900,001 7.25% on the entire pool \$900,001 to \$1,000,001 7.75% on the entire pool \$1,000,001 and over-> 8.75% on the entire pool and (2) a tax equal to one-half of the breakage to the dime resulting from such wagering. The executive director, with the advice and consent of the board, shall by regulation designate the percentage of the difference between the seventeen per cent specified in subsection (c), and the tax specified in this subsection which shall be allocated as prize or purse money for the horses racing at each facility. (e) Tax: Dog racing. Each licensee conducting dog racing events under the pari-mutuel system shall pay to the state, and there is

hereby imposed: (1) (A) A tax at the rate of two per cent on the total money wagered in the pari-mutuel pool on each and every day the licensee conducts racing events or (B) on or after July 1, 1993, in the case of any licensee licensed prior to July 5, 1991, (i) a tax at the rate of two per cent on any amount up to and including fifty million dollars of the total money wagered in the pari-mutuel pool in any state fiscal year during which a licensee licensed prior to July 5, 1991, conducts racing events, (ii) a tax at the rate of three per cent on any amount in excess of fifty million dollars and up to and including eighty million dollars of the total money wagered in the pari-mutuel pool in any state fiscal year during which a licensee licensed prior to July 5, 1991, conducts racing events and (iii) a tax at the rate of four per cent on any amount in excess of eighty million dollars of the total money wagered in the pari-mutuel pool in any state fiscal year during which a licensee licensed prior to July 5, 1991, conducts racing events, and (2) a tax equal to one-half of the breakage to the dime resulting from such wagering. (f) Tax: Jai alai. Each licensee operating a fronton at which the game of jai alai is licensed to be played under the pari-mutuel system shall pay to the state and there is hereby imposed: (1) (A) A tax at the rate of two per cent on any amount up to and including fifty million dollars of the total money wagered on such games, (B) a tax at the rate of three per cent of any amount in excess of fifty million dollars and up to and including eighty million dollars of the total money wagered on such games, and (C) a tax at the rate of four per cent on any amount in excess of eighty million dollars of the total money wagered on such games, and (2) a tax equal to one-half of the breakage to the dime resulting from such wagering. (g) Tax: Off-track betting. The licensee authorized to operate the system of off-track betting under the pari-mutuel system shall pay to the state and there is hereby imposed: (1) A tax at the rate of three and one-half per cent on the total money wagered in the pari-mutuel pool on each and every day the licensee broadcasts racing events and (2) a tax equal to one-half of the breakage to the dime resulting from such wagering. (h) Tax: Assessment and payment. The executive director shall assess and collect the taxes imposed by this chapter under such regulations as, with the advice and consent of the board, he may prescribe. All taxes hereby imposed shall be due and payable by the close of the next banking day after each day's racing or jai alai exhibition. If any such tax is not paid when due, the executive director shall impose a delinquency assessment upon the licensee in the amount of ten per cent of such tax or ten dollars, whichever amount is greater, plus interest at the rate of one and one-half per cent of the unpaid principal of such tax for each month or fraction of a month from the date such tax is due to the date of payment. Subject to the provisions of section 12-3a, the executive director may waive all or part of the penalties provided under this subsection when it is proven to his satisfaction that the failure to pay such tax within the time required was due to reasonable cause and was not intentional or due to neglect. Failure to pay any such delinquent tax upon demand may be considered by the executive director as cause for revocation of license. (i) Accounting. The executive director shall devise a system of accounting and shall supervise betting at such track, fronton or off-track betting facility in such manner that the rights of the state are protected and shall collect all fees and licenses under such regulations as, with the advice and consent of the board, he shall prescribe. (j) Unclaimed moneys. The amount of unclaimed moneys, as determined by the executive director, held by any licensee other than by licensees authorized to operate a jai alai fronton, dog race track or the off-track betting system on account of outstanding and uncashed winning tickets, shall be due and payable to the executive director, for deposit in the General Fund of the state, at the expiration of one year after the close of the meeting during which such tickets were issued. If any such unclaimed moneys are not paid when due, the executive director shall impose a delinquency assessment upon the licensee in the amount of ten per cent of such moneys or ten dollars, whichever amount is greater, plus interest at the rate of one and one-half per cent of the unpaid principal of such moneys for each month or fraction of a month from the date such moneys are due to the date of payment. Subject to the provisions of section 12-3a, the executive director may waive all or part of the penalties provided under this subsection when it is proven to his satisfaction that the failure to pay such moneys to the state within the time required was due to reasonable cause and was not intentional or due to neglect. (k) Inspection. The executive director may authorize deputies and the Commissioner of Revenue Services or his agents are authorized to enter upon the premises at any racing event, jai alai exhibition or off-track betting race event for the purpose of inspecting books and records, supervising and examining cashiers, ticket sellers, pool sellers and other persons handling money at said event and such other supervision as may be necessary for the maintenance of order at such event. (l) Statement of division receipts. The executive director shall, on or before the tenth day of each month, prepare and file with the Treasurer a full and complete statement of the division's receipts from all sources and shall turn over to the Treasurer all moneys in the division's possession. (m) Payments to municipalities. (1) The executive director shall pay each municipality in

which a horse race track is located, one-quarter of one per cent of the total money wagered on horse racing events at such race track, except the executive director shall pay each such municipality having a population in excess of fifty thousand one per cent of the total money wagered at such horse racing events in such municipality. The executive director shall pay each municipality in which a jai alai fronton or dog race track is located one-half of one per cent of the total money wagered on jai alai games or dog racing events at such fronton or dog race track, except the executive director shall pay each such municipality having a population in excess of fifty thousand one per cent of the total money wagered on jai alai games or dog racing events at such fronton or dog race track located in such municipality. The executive director shall pay each municipality in which an off-track betting facility is located one per cent of the total money wagered in such facility less amounts paid as refunds or for cancellations. Payment shall be made not less than four times a year and not more than twelve times a year as determined by the executive director, and shall be made from the tax imposed pursuant to subsection (d) of this section for horse racing, subsection (e) of this section for dog racing, subsection (f) of this section for jai alai games and subsection (g) of this section for off-track betting. (2) If, for any calendar year after the surrender of a license to conduct jai alai events by any person or business organization pursuant to subsection (c) of section 12-574c and prior to the opening of any dog race track by such person or business organization, any other person or business organization licensed to conduct jai alai events is authorized to conduct a number of performances greater than the number authorized for such licensee in the previous calendar year, the executive director shall pay the municipality in which the jai alai fronton for which such license was surrendered was located, rather than the municipality in which the jai alai fronton conducting the increased performances is located, one-half of one per cent of the total money wagered on jai alai games for such increased performances at the fronton which conducted the additional performances, except the executive director shall pay each such municipality having a population in excess of fifty thousand one per cent of the total money wagered on jai alai games for such increased performances at such fronton. (3) During any state fiscal year ending on or after June 30, 1993, the executive director shall pay (A) each municipality in which a dog race track was operating prior to July 5, 1991, eight-tenths of one per cent of the total money wagered on dog racing events at such dog race track, except the executive director shall pay each such municipality having a population in excess of fifty thousand one per cent of the total money wagered on dog racing events at such dog race track located in such municipality and (B) the Northeast Connecticut Economic Alliance, Inc. two-tenths of one per cent of the total money wagered on dog racing events at any dog race track operating prior to July 5, 1991.

(1971, P.A. 865, S. 19; 1972, P.A. 187, S. 12; P.A. 73-401, S. 1, 2; P.A. 74-249, S. 26; P.A. 75-10, S. 1, 2; 75-567, S. 15, 80; P.A. 77-365, S. 15; 77-614, S. 139, 610; P.A. 79-404, S. 27, 45; P.A. 80-60; P.A. 82-163, S. 2, 3, 6; 82-284, S. 24; P.A. 83-227, S. 13; 83-301, S. 13; P.A. 85-471, S. 2, 4; P.A. 87-542, S. 1, 2; P.A. 89-324, S. 2, 4; P.A. 91-309, S. 68, 10; May Sp. Sess. P.A. 92-17, S. 41, 59; P.A. 93-332, S. 35, 36, 42; P.A. 96-151, S. 2, 3.)

History: 1972 act amended Subsec. (a) to include jai alai and dog racing, amended Subsec. (b) to include frontons and off-track betting facilities, amended Subsec. (c) to include fronton licensees and to require distribution of all sums deposited in pari-mutuel system to winners except for seventeen per cent plus breakage to the dime of amount retained, replacing previous provision for eight and one-half per cent tax to state on total money wagered plus tax equal to one-half of the breakage to the dime, inserted new Subsecs. (d) and (e) re payments to state by horse and dog racing licensees, relettering remaining Subsecs. accordingly, and included references to jai alai in Subsecs. (f), (g) and (i), formerly (d), (e) and (g); P.A. 73-401 deleted reference to dog racing and perfecta betting and included daily double, exacta, superfecta and other forms of multiple betting in Subsec. (a), substituted "minor" for "any person under the age of eighteen" in Subsec. (b), replaced eight and one-half per cent tax and five per cent tax on total wagered at horse and dog racing events with graduated tables in Subsecs. (d) and (e), inserted new Subsec. (f) re tax on jai alai operators, relettering remaining Subsecs. accordingly, and amended Subsec. (g), formerly Subsec. (f), to require that

taxes be paid at close of next banking day after event rather than at the close of the day of the event itself; P.A. 74-249 revised tables in Subsecs. (d) and (e) and raised tax rate on jai alai licensees from five to five and one-quarter per cent of total amount wagered; P.A. 75-10 made minor change in wording of Subsec. (l); P.A. 75-567 revised table in Subsec. (e); P.A. 77-365 amended Subsec. (c) to require retention of seventeen per cent of wagered amount for horse racing events and eighteen per cent for dog racing and jai alai events, deleted table in Subsec. (e) and set tax at eight per cent of total wagered, amended Subsec. (f) to increase tax rate to six and three-quarters per cent and amended Subsec. (l) to set varying rates for payments to municipalities dependent upon population and type of event; P.A. 77-614 substituted commissioner of revenue services for tax commissioner, effective January 1, 1979; P.A. 79-404 substituted "executive director" for "commission" and provided for gaming policy board to advise and oversee executive director's activities; P.A. 80-60 amended Subsec. (b) to include provisions re totalizer systems and deleted provision forbidding operators to admit minors to participation in pari-mutuel system; P.A. 82-163 amended Subsec. (g) so as to provide for penalty and interest re late payment of taxes by the licensee in any pari-mutuel betting facility in amounts and under conditions comparable to such provisions applicable with respect to other state taxes and amended Subsec. (i) so as to provide for penalty and interest re late payment of unclaimed moneys by the licensee in any pari-mutuel betting facility for deposit in the state general fund, in amounts and under conditions comparable to such provisions applicable with respect to all state taxes; P.A. 82-284 amended Subsec. (c) by increasing the take out for dog racing and requiring that an additional one-fourth of one per cent be allocated to purses and amended Subsec. (e) by increasing the tax on dog racing by one-fourth of one per cent; P.A. 83-227 amended Subsec. (a), permitting twin trifecta, pick four and pick six pari-mutuel wagers at racing and jai alai events and amended Subsec. (c), permitting licensees to carry-over all or part of the moneys not won in twin trifecta, pick four or pick six forms of multiple betting; P.A. 83-301 amended Subsec. (c), increasing for dog racing, (1) the takeout rate deducted from total amount wagered, from eighteen and one-half per cent to nineteen per cent, and (2) the amount each licensee allocates to purses, from one-fourth of one per cent to one-half of one per cent, and amended Subsec. (e), increasing for dog racing, the amount of state tax applicable to total money wagered and paid by licensees, from eight and one-fourth per cent to eight and one-half per cent; P.A. 85-471 added Subsec. (m) re payments to the Microchemistry Laboratory Fund; P.A. 87-542 amended Subsec. (c) to provide that, after July 1, 1987, the amount allocated to purses shall be increased from one-half per cent to three and one-half per cent, one-quarter of one per cent shall be allocated to capital expenditures and one-quarter of one per cent shall be allocated to promotional marketing and amended Subsec. (e) to reduce the state tax from eight and one-half per cent to seven and one-quarter per cent; P.A. 89-324 deleted former Subsec. (m) which had required executive director to pay Microchemistry Laboratory Fund one quarter of one per cent of money wagered on dog racing events due to repeal of said fund; P.A. 91-309 amended Subsec. (c)(1) to add a further proviso requiring Plainfield dog track, on and after July 1, 1992, to distribute all sums deposited in pari-mutuel program to winners except for twenty per cent plus breakage to the dime of amount retained and allocate four per cent of all sums to purses, one-quarter of one per cent to capital expenditures and one-quarter

of one per cent to promotional marketing, divided Subdiv. (1) of Subsec. (e) into Subparas. (A) and (B), inserting in Subpara. (B) new language providing for a sliding scale of taxation for Plainfield dog track effective on or after July 1, 1992, and divided Subsec. (1) into Subdivs. (1), (2) and (3), inserting in (1) Subdiv. (1) requirement that executive director pay each municipality with a population over fifty thousand one per cent of total money wagered on dog racing events at dog track located in such municipality, (2) Subdiv. (2), new language requiring executive director to make payments to Bridgeport if, for any calendar year after Bridgeport fronton surrenders its license to conduct jai alai and before opening of its dog track, Milford or Hartford fronton is authorized to conduct more performances than in previous calendar year, and (3) Subdiv. (3), new language requiring executive director to pay town of Plainfield eight-tenths of one per cent of total money wagered on dog racing events at Plainfield dog track and the Northeast Connecticut Economic Alliance, Inc. two-tenths of one per cent of total money wagered on dog racing events at Plainfield dog track during any fiscal year ending on or after June 30, 1993; May Sp. Sess. P.A. 92-17 amended Subsec. (c) (1) to increase the takeout rate for jai alai from eighteen to a maximum of twenty per cent until June 30, 1994, reestablishing such rate at eighteen per cent on and after July 1, 1994, and to provide that the takeout rate for dog racing remain at nineteen per cent until June 30, 1994; P.A. 93-332 amended Subsec. (a) to allow racing events or exhibitions of jai alai at off-track betting facilities, amended Subsec. (b) to authorize the use of a computerized electronic totalizator system and a simulcast system to conduct pari-mutuel wagering and to make changes re the operation of the off-track betting systems by an authorized licensee, added a new Subsec. (g) to impose a tax on the licensee authorized to operate the off-track betting system and relettered the remaining Subsecs. accordingly and made technical changes in Subsec. (i), (k) and (m) re allowing racing events or exhibitions of jai alai at off-track betting facilities and in Subsec. (m) added provision re payment of percentage of receipts to municipalities where off-track betting facilities are located, effective June 25, 1993, and also amended Subsec. (c) to increase amount of sums deposited in pari-mutuel program to be kept by licensees conducting dog racing events from nineteen per cent to twenty per cent and deleted provisions requiring a specific percentage to be allocated to certain expenditures, amended Subsec. (e) decreasing the tax paid the state by licensees conducting dog racing events, amended Subsec. (f) to change the tax imposed on licensees operating jai alai frontons from six and three quarters per cent on the total money wagered to two per cent on any amount up to and including fifty million dollars of the total money wagered and a tax of three per cent of the total money wagered in excess of fifty million dollars and up to and including eighty million dollars and a tax of four per cent on the total money wagered in excess of eighty million dollars and amended Subsec. (j) to make technical changes re operation of the off-track betting facilities by an authorized licensee, effective July 1, 1993; P.A. 96-151 amended Subsec. (c)(1) to require financial statements annually rather than quarterly and amended Subsec. (j) to except licensees of jai alai frontons and dog race tracks from requirements re unclaimed moneys ("outs"), effective July 1, 1996.  
See chapter 226b re disclosure statements with regard to pari-mutuel betting.  
Cited. 33 CS 167. Cited. 44 CS 126.

Sec. 12-575a. Transferred to Sec.

12-572a.

Sec. 12-575b. Microchemistry Laboratory Fund established.

Section 12-575b is repealed.

(P.A. 85-471, S. 1, 4; P.A. 86-107, S. 14, 19; P.A. 88-364, S. 77, 123; P.A. 89-324, S. 3, 4.)

Sec. 12-575c. Combination of pari-mutuel betting into single pool.

(a) The executive director, as defined in subsection (b) of section 12-557b, with the approval of the board, as defined in subsection (a) of said section, may require all pari-mutuel betting conducted at any facility conducting betting under a pari-mutuel system within the state which is based on the results of any event which occurs at any place other than the facility conducting such betting, whether such place is within or without the state, to be combined into a single, state-wide pool for each such event, or for any of them, as the executive director may determine. (b) The executive director, as defined in subsection (b) of section 12-557b, with the approval of the board, as defined in subsection (a) of said section, may permit all pari-mutuel betting conducted at any facility conducting betting under a pari-mutuel system within the state which is based on the results of any event which occurs at such facility, to be combined with the betting on such event at another facility where pari-mutuel betting is conducted, whether such facility is within or without the state, as a single pool for each event.

(P.A. 91-309, S. 9, 10; P.A. 94-223, S. 3, 4.)

History: P.A. 94-223 divided the section into Subsecs., inserting new language as Subsec. (b) permitting combination of pari-mutuel betting conducted at any in-state facility based on results of any event which occurs at such facility with betting on such event at another in-state or out-of-state facility as single pool for each event, effective June 8, 1994.

Sec. 12-576. Presence of minors at gaming establishments; penalties.

Licensing of minors. Payment of claims for winnings. (a) Any person who knowingly permits any minor to wager in any gambling activity authorized under this chapter and any minor who places a wager in any gambling activity authorized under this chapter shall be guilty of a class A misdemeanor. (b) Any person who knowingly permits a minor to be present in any room, office, building or establishment when off-track betting authorized under this chapter takes place, or at any racetrack or fronton when any meeting authorized under this chapter takes place, shall be fined not more than twenty-five dollars. No minor shall be present in any room, office, building or establishment when off-track betting authorized under this chapter takes place, or at any racetrack or fronton when any meeting authorized under this chapter takes place. Any minor sixteen years of age or over present in any room, office, building or establishment when off-track betting authorized under this chapter takes place, or at any racetrack or fronton when any meeting authorized under this chapter takes place, shall be fined not more than twenty-five dollars. Any licensee authorized to conduct a meeting for the purpose of jai alai or racing shall be fined not more than fifty dollars if any minor is found at such facility in violation of this subsection. (c) Notwithstanding any provision of subsection (a) or (b), the executive director may issue a license to a minor sixteen years of age or older, under the provisions of section 12-578 and the regulations adopted thereunder, provided written permission from a parent or legal guardian of such minor is filed with the division. (d) The executive director shall not pay any claim for winnings when such claim is made by, or on behalf of, a minor who has wagered in any gambling activity authorized under this chapter. Nothing in

this subsection shall prohibit an adult from making a wager on behalf of a minor provided the money for such wager is not provided by the minor from funds under such minor's control. (e) Nothing in this section shall be construed to prohibit any minor from entering onto a parking area at any building or establishment described in subsection (b) of this section for the purpose of attending an event at which gambling activities do not occur.

(1971, P.A. 865, S. 28; 1972, P.A. 187, S. 13; P.A. 73-247, S. 1, 2; P.A. 76-210, S. 1, 3; P.A. 77-387, S. 1, 2; P.A. 79-404, S. 29, 45; 79-587; P.A. 96-180, S. 137, 166; 96-184.)

History: 1972 act placed provision re admission of minors to facility in new Subsec. (b); P.A. 73-247 substituted "minor" for "person under the age of eighteen", allowed admission of minors if accompanied by an adult and added Subsec. (c) re licensing minors as jockeys, stable employees, jai alai players, etc.; P.A. 76-210 added Subsec. (d) re claims for winnings made by or on behalf of minors; P.A. 77-387 allowed admission of minor if accompanied by parent or guardian, replacing provision allowing admission if accompanied by any adult; P.A. 79-404 substituted "executive director" and "division" for "commission on special revenue" and "commission" as necessary; P.A. 79-587 forbade admission of minors altogether and set varying fines for minors and licensees; P.A. 96-180 amended Subsec. (a) to delete a comma after "person", effective June 3, 1996; P.A. 96-184 added Subsec. (e) re minors attending events where gambling does not occur.

x...

#### Sec. 12-577. Audit of licensees and microchemistry laboratory.

(a) The executive director shall annually cause to be made by some competent person or persons in his division a thorough audit of the books and records of each association licensee under this chapter and he may, from time to time, cause to be made by some competent person in his division a thorough audit of the books and records of any other person or business organization licensed under this chapter. All such audit records shall be kept on file in his office at all times and copies shall be forwarded to the board immediately upon completion thereof; and each licensee shall permit access to its books and records for the purpose of having such audit made, and shall produce, upon written order of the executive director, any and all papers and information required for such purpose. (b) The Auditors of Public Accounts shall, as part of their audit of the accounts and records of The University of Connecticut, audit the accounts and records of the microchemistry laboratory at The University of Connecticut which is responsible for the testing of urine of racing dogs. Said auditors shall make a separate report of their findings relative to the microchemistry laboratory.

(1971, P.A. 865, S. 29; P.A. 77-614, S. 139, 610; P.A. 79-404, S. 30, 45; P.A. 80-133, S. 6, 10; P.A. 85-471, S. 3, 4; P.A. 89-213, S. 1, 2.)

History: P.A. 77-614 substituted commissioner of revenue services for tax commissioner, effective January 1, 1979; P.A. 79-404 substituted executive director for commissioner of revenue services, "division" for "department" and "board" for "commission"; P.A. 80-133 made provisions specifically applicable to association licensees and allowed audits of other licensees under chapter at director's discretion; P.A. 85-471 added Subsec. (b) requiring executive director to arrange for an independent audit every two years to establish actual cost of urine testing of racing dogs and maintenance of Microchemistry Laboratory at The University of Connecticut; P.A. 89-213 amended Subsec. (b) to

delete provision requiring executive director to arrange for an independent audit every two years to establish actual cost of urine testing of racing dogs and maintenance of Microchemistry Laboratory at The University of Connecticut and required auditors of public accounts to audit laboratory.

#### Sec. 12-578. Regulations governing registration and licenses.

Fees. Fingerprinting of applicants. (a) The executive director, with the advice and consent of the board, shall adopt regulations governing registration and the issuance and annual renewal of licenses and payment of annual nonrefundable application fees for the same in accordance with the following schedule: (1) Registration: (A) Stable name, fifty dollars; (B) partnership name, fifty dollars; (C) colors, ten dollars; (D) kennel name, fifty dollars. (2) Licenses: (A) Owner, fifty dollars; (B) trainer, fifty dollars; (C) assistant trainer, fifty dollars; (D) jockey, twenty dollars; (E) jockey agent, for each jockey, fifty dollars; (F) stable employees, including exercise boy, groom, stable foreman, hot walker, outrider, ten dollars; (G) veterinarian, fifty dollars; (H) jockey apprentice, twenty dollars; (I) driver, fifty dollars; (J) valet, ten dollars; (K) blacksmith, ten dollars; (L) plater, ten dollars; (M) concessionaire, for each concession, two hundred dollars; (N) concession employees, ten dollars; (O) jai alai players, fifty dollars; (P) officials and supervisors, fifty dollars; (Q) pari-mutuel employees, twenty dollars; (R) other personnel engaged in activities regulated under this chapter, ten dollars; (S) vendor, for each contract, two hundred dollars; (T) totalizator, for each contract, two hundred dollars; (U) vendor and totalizator affiliates, for each contract of the vendor or totalizator, two hundred dollars. (b) Each applicant for a license under subdivision (2) of subsection (a) of this section shall be fingerprinted before such license is issued.

(1972, P.A. 187, S. 14; P.A. 73-260, S. 4, 5; P.A. 75-353, S. 1, 2; P.A. 79-24, S. 2; 79-404, S. 31, 45; P.A. 82-294, S. 2; P.A. 85-15, S. 1, 2; June Sp. Sess. P.A. 91-12, S. 6, 55; P.A. 96-180, S. 28, 166.)  
and (b) and in Subsec. (b) added new Subdiv.

### **CHAPTER 226A. MUNICIPAL ADMISSIONS TAX ON PLACES LICENSES BY THE GAMING POLICY BOARD**

#### Sec. 12-579. Admissions tax authorized by ordinance.

Any municipality may, by ordinance, impose a tax of ten per cent of the admission charge, as defined in subsection (3) of section 12-540, to any place licensed by the Gaming Policy Board and containing a pari-mutuel system therein or to any off-track betting facility. The tax shall be imposed upon the person making such charge and reimbursement for the tax shall be collected by such person from the purchaser. Such reimbursement, termed "tax", shall be paid by the purchaser to the person making the admission charge. Such tax, when added to the admission charge, shall be a debt from the purchaser to the person making such charge and shall be recoverable at law.

(P.A. 74-308, S. 1; P.A. 79-404, S. 32, 45.)

History: P.A. 79-404 substituted gaming policy board for commission on special revenue.

### **CHAPTER 226B. DISCLOSURE STATEMENTS WITH REGARD TO PARI-MUTUEL BETTING**

#### Sec. 12-584. Disclosure of financial information; filing requirements; penalties for failure to comply; appeal.

(a) Each licensee of the division or board, other than an occupational licensee, shall file, on or before April

fifteenth of each year, with the division: (1) Certified financial statements for the prior calendar year or fiscal year, prepared in accordance with generally accepted accounting principles; (2) the names and addresses of every shareholder, person or business organization having a financial, property, leasehold, ownership or beneficial interest in such licensee; (3) (A) the names and addresses of every person or business organization which provides contractual services, equipment or property related to any of the activities authorized under chapter 226 and (B) the nature of such services rendered and equipment or property provided; and (4) copies of all state and federal tax returns filed by such licensee for the next preceding calendar year or taxable year, except that if any state or federal tax return has not been filed with the state or federal government on or before said date, such licensee may file such return with the division at the same time he or it files such return with the state or federal government. (b) The executive director, with the advice and consent of the board, may require any person, business organization or shareholder disclosed under the provisions of subdivision (2) of subsection (a) to file on or before April fifteenth of each year, with the division: (1) A statement of financial position to be submitted under oath on forms provided by the division; (2) a statement of interest in any other gambling activity, within or without the state of Connecticut; and (3) copies of state and federal tax returns filed by such person, business organization or shareholder for the next preceding calendar year or taxable year, except that if any state or federal tax return has not been filed with the state or federal government on or before said date, such person, business organization or shareholder may file such return with the division at the same time he or it files such return with the state or federal government. The executive director shall not require such filing more than once a year except that the executive director may require additional filings or additional information to ensure the integrity of legalized gambling, pursuant to a vote of at least four members of the board in favor of such requirement. All information gathered by the division under this chapter and section 12-562 may be transmitted by the division to any agency or department of the state and shall be made available for public dissemination or inspection, except that any state or federal tax returns gathered by the division pursuant to this section shall only be open to inspection by the division, its staff and such other state agencies or departments which require return information to perform their official duties. (c) Failure by any licensee to comply with the requirements of this section shall constitute grounds for the licensing authority: (1) To suspend or revoke such license; (2) if the executive director, to impose a fine of not more than two thousand five hundred dollars or if the board, to impose a fine of not more than seventy-five thousand dollars; (3) to rescind the applicable contract; or (4) to impose any combination of said penalties. (d) Failure by any person, business organization or shareholder identified in subsection (b) to comply with the requirements of this section shall constitute grounds for the authority which issued the license to the related licensee: (1) To suspend or revoke such license; (2) if the executive director, to impose a fine of not more than two thousand five hundred dollars on such licensee or, if the board, to impose a fine of not more than seventy-five thousand dollars on such licensee; or (3) any combination of said penalties. In the case of a shareholder who fails to comply with the requirements of this section, the division shall notify the shareholder and the licensee which issued the shares of such failure. Upon receipt of such notice the shareholder shall immediately offer such shares to the licensee for purchase. The licensee shall purchase the shares not later than sixty days after they are so offered. Each licensee shall adopt appropriate amendments or additions to any existing corporate bylaws to permit compliance with this section. (e) Any licensee aggrieved by an action of the executive director under this section shall have a right of appeal to the board in accordance with subsection (j) of section 12-574. Any licensee aggrieved by a decision of the board under this section shall have a right of appeal pursuant to section 4-183.

(P.A. 77-543, S. 2, 7; P.A. 79-38; 79-404, S. 34, 45; P.A. 80-133, S. 7, 10.)

History: P.A. 79-38 changed filing deadline from March fifteenth to April fifteenth and substituted returns filed "for the last preceding calendar year" for returns filed "during said calendar year"; P.A. 79-404 substituted "division", "executive director" and "board" for "commission on special revenue" and "commission" as necessary, allowed executive director to request additional filings with approval of four rather than six members and replaced previous provisions re disclosure of information to public with new provisions which avoid redundant reference to Subdiv. (4) previously found in section; P.A. 80-133 made provisions applicable to licensees other than occupational licensees, clarified

statement of provisions and allowed for late filing of return, included in information to be filed statements of financial position and interest in other gambling facilities, removed provisions re failure to comply in Subsec. (b) and added Subsecs. (c), (d) and (e) containing detailed provisions re failure to comply and appeal to board.

## **CHAPTER 226C. ADMINISTRATION OF TRIBAL-STATE COMPACTS**

Sec. 12-586f. Assessment of Mashantucket Pequot Tribe for expenses of administering Tribal-State Compact.

Fingerprinting of applicants for casino gaming licenses. (a) For the purposes of this section, "tribe" means the Mashantucket Pequot Tribe and "compact" means the Tribal-State Compact between the tribe and the state of Connecticut, as incorporated and amended in the Final Mashantucket Pequot Gaming Procedures prescribed by the Secretary of the United States Department of the Interior pursuant to Section 2710(d)(7)(B)(vii) of Title 25 of the United States Code and published in 56 Federal Register 24996 (May 31, 1991). (b) The expenses of administering the provisions of the compact shall be financed as provided herein. Assessments for regulatory costs incurred by any state agency which are subject to reimbursement by the tribe in accordance with the provisions of the compact shall be made by the Commissioner of Revenue Services in accordance with the provisions of the compact, including provisions respecting adjustment of excess assessments. Any underassessment for a prior fiscal year may be included in a subsequent assessment but shall be specified as such. Payments made by the tribe in accordance with the provisions of the compact shall be deposited in the General Fund and shall be credited to the appropriation for the state agency incurring such costs. (c) Assessments for law enforcement costs incurred by any state agency which are subject to reimbursement by the tribe in accordance with the provisions of the compact shall be made by the Commissioner of Public Safety in accordance with the provisions of the compact, including provisions respecting adjustment of excess assessments. Any underassessment for a prior fiscal year may be included in a subsequent assessment but shall be specified as such. Payments made by the tribe in accordance with the provisions of the compact shall be deposited in the General Fund and shall be credited to the appropriation for the state agency incurring such costs. (d) If the tribe is aggrieved due to any assessment levied pursuant to such compact and this section or by any failure to adjust an excess assessment in accordance with the provisions of the compact and this section, it may, within one month from the time provided for the payment of such assessment, appeal therefrom in accordance with the terms of the compact, to the superior court for the judicial district of Hartford-New Britain\*, which appeal shall be accompanied by a citation to the executive director of the Division of Special Revenue to appear before said court. Such citation shall be signed by the same authority, and such appeal shall be returnable at the same time and served and returned in the same manner as is required in case of a summons in a civil action. Proceedings in such matter shall be conducted in the same manner as provided for in section 38a-52. (e) Each applicant for a casino gaming employee license, casino gaming service license or casino gaming equipment license shall be fingerprinted before such license is issued.

(P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; June Sp. Sess. P.A. 91-14, S. 10, 30; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 46; P.A. 96-142, S. 2, 4.) \*Note:

On and after September 1, 1998, the phrase "judicial district of Hartford" shall be substituted for "judicial district of Hartford-New Britain".

History: P.A. 88-230 mandated replacement of "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 90-98 changed effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993, and applied the change to public and special acts of 1991; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 96-142 added Subsec. (e) to require the fingerprinting of applicants for certain casino gaming licenses, effective May 29, 1996.

Sec. 12-586g. Assessment of Mohegan Tribe of Indians for expenses of administering Tribal-State Compact.

Fingerprinting of applicants for casino gaming licenses. (a) For the purposes of this section, "tribe" means the Mohegan Tribe of Indians of Connecticut and "compact" means the Tribal-State Compact between the tribe and the state of Connecticut, dated May 17, 1994. (b) The expenses of administering the provisions of the compact shall be financed as provided herein. Assessments for regulatory costs incurred by any state agency which are subject to reimbursement by the tribe in accordance with the provisions of the compact shall be made by the Commissioner of Revenue Services in accordance with the provisions of the compact, including provisions respecting adjustment of excess assessments. Any underassessment for a prior fiscal year may be included in a subsequent assessment but shall be specified as such. Payments made by the tribe in accordance with the provisions of the compact shall be deposited in the General Fund and shall be credited to the appropriation for the state agency incurring such costs. (c) Assessments for law enforcement costs incurred by any state agency which are subject to reimbursement by the tribe in accordance with the provisions of the compact shall be made by the Commissioner of Public Safety in accordance with the provisions of the compact, including provisions respecting adjustment of excess assessments. Any underassessment for a prior fiscal year may be included in a subsequent assessment but shall be specified as such. Payments made by the tribe in accordance with the provisions of the compact shall be deposited in the General Fund and shall be credited to the appropriation for the state agency incurring such costs. (d) If the tribe is aggrieved due to any assessment levied pursuant to such compact and this section or by any failure to adjust an excess assessment in accordance with the provisions of the compact and this section, it may, within one month from the time provided for the payment of such assessment, appeal therefrom in accordance with the terms of the compact, to the superior court for the judicial district of Hartford-New Britain\*, which appeal shall be accompanied by a citation to the executive director of the Division of Special Revenue to appear before said court. Such citation shall be signed by the same authority, and such appeal shall be returnable at the same time and served and returned in the same manner as is required in case of a summons in a civil action. Proceedings in such matter shall be conducted in the same manner as provided for in section 38a-52. (e) Each applicant for a casino gaming employee license, casino gaming service license or casino gaming equipment license shall be fingerprinted before such license is issued.

(P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 46; P.A. 96-142, S. 3, 4.)

\*Note: On and after September 1, 1998, the

phrase "judicial district of Hartford" shall be substituted for "judicial district of Hartford-New Britain".

History: P.A. 96-142 effective May 29, 1996 (Revisor's note: P.A. 88-230, 90-98, 93-142 and 95-220

authorized substitution of "judicial district of

Hartford" for "judicial district of Hartford-New Britain" in public and special acts of the 1996 session of the General Assembly, effective

September 1, 1998).

## **CHAPTER 229. INCOME TAX**

Sec. 12-727. Informational returns from persons making payments.

Effect of changes in federal tax return. (a) The Commissioner of Revenue Services may adopt regulations requiring returns of information to be made and filed on or before the last day of February each year by any person making payment or crediting in any calendar year amounts of six hundred dollars or more, or ten dollars or more in the case of interest or dividends, to any person who may be subject to the tax imposed under this chapter. Such returns may be required of any person, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of this state, or of any municipal corporation or political subdivision of this state, having the control, receipt, custody, disposal or

payment of dividends, interest, rents, salaries, wages, premiums, annuities, compensations, remunerations, pensions, gambling winnings, emoluments or other fixed or determinable gains, profits or income, except interest coupons payable to bearer. A duplicate of the statement as to tax withheld on wages, required to be furnished by an employer to an employee, shall constitute the return of information required to be made under this section with respect to such wages. The commissioner may adopt regulations providing standards for determining which returns must be filed on magnetic media or in other machine-readable form. (b) If the amount of a taxpayer's federal taxable income reported on such taxpayer's federal income tax return for any taxable year is changed or corrected by the United States Internal Revenue Service or other competent authority, or as the result of a renegotiation of a contract or subcontract with the United States, the taxpayer shall report such change or correction in federal taxable income within ninety days after the final determination of such change, correction or renegotiation, or as otherwise required by the commissioner, and shall concede the accuracy of such determination or state wherein it is erroneous. Any taxpayer filing an amended federal income tax return shall also file within ninety days thereafter an amended return under this chapter and shall give such information as the commissioner may require. The commissioner may by regulation prescribe such exceptions to the requirements of this section as he deems appropriate.

(June Sp. Sess. P.A. 91-3, S. 78, 168; May Sp. Sess. P.A. 92-5, S. 20, 37.)

History: June Sp. Sess. P.A. 91-3, S. 78, effective August 22, 1991, and applicable to taxable years of taxpayers commencing on or after January

1, 1991; May Sp. Sess. P.A. 92-5 amended Subsec. (a) to make a minor change, effective June 19, 1992, and applicable to taxable years of taxpayers commencing on or after January 1, 1992.

## **TITLE 17A. SOCIAL AND HUMAN SERVICES AND RESOURCES**

### **CHAPTER 319J. ADDICTION SERVICES**

Sec. 17a-713. (Formerly Sec. 19a-4h). Chronic gamblers treatment and rehabilitation program.

Account. (a) The Department of Mental Health and Addiction Services shall establish a program for the treatment and rehabilitation of compulsive gamblers in the state. The program shall provide prevention, treatment and rehabilitation services for chronic gamblers. The department may enter into agreements with nonprofit organizations to assist in providing these services and may impose a reasonable fee, on a sliding scale, on those participants who can afford to pay for any such services. The department shall implement such program when the account established under subsection (b) of this section is sufficient to meet initial operating expenses. As used in this section "chronic gambler" means a person who is chronically and progressively preoccupied with gambling and the urge to gamble, and with gambling behavior that compromises, disrupts or damages personal, family or vocational pursuits. (b) The program established by subsection (a) of this section shall be funded by imposition of: (1) A fee of one hundred thirty-five dollars on each association license, for each performance of jai alai or dog racing conducted under the provisions of chapter 226, provided no such licensee shall contribute more than forty-five thousand dollars in any one year; and (2) a fee of twenty-five dollars for each teletheater performance on each operator of a teletheater facility. The executive director of the Division of Special Revenue within the Department of Revenue Services shall collect the fee from each association licensee or such operator on a monthly basis. The receipts shall be deposited in the General Fund and credited to a separate, nonlapsing chronic gamblers treatment and rehabilitation account which shall be established by the Comptroller. All moneys in the account are deemed to be appropriated and shall be expended for the purposes established in subsection (a) of this section. (c) The department shall adopt regulations in accordance with the provisions of chapter 54 to carry out the purposes of this section.

(S.A. 81-68, S. 1, 2; S.A. 83-17; S.A. 84-68; P.A. 86-312, S. 17, 21; P.A. 92-216, S. 2, 3; P.A. 93-381, S. 9, 39; May 25 Sp. Sess. P.A. 94-1, S. 116, 130; P.A. 95-257, S. 5, 58.)

History: S.A. 83-17 extended expiration date of program from December 31, 1983, to December 31, 1984, and required collection of fee until June

30, 1984; S.A. 84-68 extended expiration date to "no later than December 31, 1986", and required collection of fee until June 30, 1986; P.A. 86-312 deleted reference to "pilot" program and all references to dates and changed treatment and rehabilitation "fund" to a separate nonlapsing "account" within the general fund; Sec. 17-261a transferred to Sec. 17a-477 in 1991; P.A. 92-216 transferred program from control of mental health commissioner to alcohol and drug abuse commission, deleted detailed list of specific services provided in Subsec. (a), deleted former Subsec. (c) re reimbursement of association licensees and relettered former Subsec. (d) accordingly; Sec. 17a-477 transferred to Sec. 17a-666 in 1993; P.A. 93-381 replaced Connecticut alcohol and drug abuse commission with department of public health and addiction services, effective July 1, 1993; May 25 Sp. Sess. P.A. 94-1 amended Subdiv. (2) of Subsec. (b) to require imposition of twenty-five dollar fee for each teletheater performance on each operator of a teletheater facility, deleting obsolete references to "tele-track" performances and persons, firms or corporations providing totalizer equipment and services for tele-track facilities, effective July 1, 1994; Sec. 17a-666 transferred to Sec. 19a-4h in 1995; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Mental Health and Addiction Services, effective July 1, 1995; Sec. 19a-4h transferred to Sec. 17a-713 in 1997. See Sec. 12-563a re informational materials concerning programs for prevention, treatment and rehabilitation of chronic gamblers prepared by Division of Special Revenue. See Sec. 12-818 re transfer of funds from Connecticut Lottery Corporation for educational, prevention and treatment programs.

## **TITLE 29. PUBLIC SAFETY AND STATE POLICE**

### **CHAPTER 529. DIVISION OF STATE POLICE**

Sec. 29-7c. Legalized gambling investigative unit.

There is established a unit in the Division of State Police within the Department of Public Safety to be known as the legalized gambling investigative unit. The unit, in conjunction with the special policemen in the Division of Special Revenue, shall be responsible for (1) the criminal enforcement of the provisions of chapters 226 and 226b, and (2) the investigation, detection of and assistance in the prosecution of any criminal matter or alleged violation of criminal law with respect to legalized gambling, provided the legalized gambling investigative unit shall be the primary criminal enforcement agency. Nothing in this section shall limit the powers granted to persons appointed to act as special policemen in accordance with the provisions of section 29-18c. (P.A. 86-419, S. 23.)

## **TITLE 30. INTOXICATING LIQUORS**

### **CHAPTER 545. LIQUOR CONTROL ACT**

#### **PART IV. PERMITS**

Sec. 30-33. Concession permit.

A concession permit shall allow the sale and consumption of beer or wine on the premises of any fair grounds, ball park, amusement park, indoor-outdoor amphitheater, outdoor amphitheater contiguous to

and under the same ownership as an amusement park, public golf course or sports arena provided no sales of alcoholic liquor shall occur within one hour of the scheduled end of a performance at an indoor-outdoor amphitheater constructed to seat not less than fifteen thousand people. A concession permit shall also allow the sale and consumption of alcohol or spirits in all enclosed nonseating areas within an indoor-outdoor amphitheater. Such areas shall be enclosed by a fence or wall not less than thirty inches high and separate from each other. Such permit shall be issued in the discretion of the Department of Consumer Protection and shall be effective only in accordance with a schedule of hours and days determined by the department for each such permit within the limitation of hours and days fixed by law. As used in this section, "public golf course" means a golf course of not less than nine holes and a course length of not less than twenty-seven hundred fifty yards. The fee for a concession permit shall be as follows: For a period of one year, two hundred forty dollars; for a period of six months, one hundred sixty dollars; and for a period of one day, twenty-five dollars. (1949 Rev., S. 4253; P.A. 76-394, S. 2, 4; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 86-151, S. 1; P.A. 89-155, S. 2, 4; P.A. 93-139, S. 31; P.A. 95-161, S. 8, 9; 95-195, S. 36, 83; 95-336, S. 4, 5.) History: P.A. 76-394 included public golf courses in provisions and defined the term "public golf course" for purposes of the section; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 86-151 provided that concession permits allow the sale of wine; P.A. 89-155 added amusement park and outdoor amphitheater contiguous to and under the same ownership as an amusement park to the list of eligible facilities; P.A. 93-139 made technical changes and added the fees for concession permits; P.A. 95-161 added contiguous outdoor amphitheatres to list of facilities eligible for a concession permit and prohibited sales of alcoholic liquor within one hour of the scheduled end of a function at an outdoor amphitheater, effective June 27, 1995; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 95-336 made indoor-outdoor amphitheatres eligible for concession permits and permitted the sale of alcohol and spirits at areas within indoor-outdoor amphitheatres, effective July 6, 1995. Cited. 184 C. 75, 80.

### Sec. 30-33a. Coliseum permit.

Coliseum concession permit. Special rule re backers. (a) A coliseum permit shall allow the retail sale of alcoholic liquor in any portion of the coliseum, including the coliseum club, to be consumed on the premises of the coliseum except that the retail sale of alcoholic liquor shall not be permitted under this permit in the arena of the coliseum during a sporting event, concert, exhibition, trade show, entertainment presentation or similar function and in any public restaurant located on the premises. A coliseum permit shall allow the retail sale of alcoholic liquor in the arena of the coliseum during a convention, banquet, meeting, dance, fund-raising function or similar function provided sales of alcoholic liquor shall occur at a coliseum within one hour of the scheduled end of a function at such coliseum. The annual fee for a coliseum permit shall be two thousand dollars. (b) A coliseum concession permit shall allow the retail sale and consumption of beer, in paper containers only, at sporting events within the arena and at concession stands within the arena or outside the arena but directly connected to the arena or in areas adjacent to the hallways for public passage around the arena. The coliseum concession permit shall allow the retail sale and consumption of beer, in paper containers only, at such concession stands only during (1) a trade show for which a ticket is required for admission; (2) an exhibition for which a ticket is required for admission

or (3) a convention. No sales of beer shall occur at a coliseum concession stand within one hour of the scheduled end of a function at such coliseum. The annual fee for a coliseum concession permit shall be one thousand dollars. (c) Notwithstanding any provision of this chapter to the contrary, neither the permittee nor the backer of a coliseum permit or a coliseum concession permit need be a proprietor if the coliseum for which such permit is being applied for is owned by a municipality or a municipal authority. The Department of Consumer Protection shall have discretionary powers to waive requirements where physical conditions make compliance an impossibility. (d) "Coliseum" means a structure which contains an enclosed roofed arena constructed to seat not less than two thousand people, and any related facility which is a part of, adjacent to or connected therewith by enclosed passageways, which structure is used for sporting events, exhibitions, trade shows, entertainment presentations, conventions, banquets, meetings, dances or fund-raising functions or similar functions or a structure such as a minor league baseball stadium built around an athletic field without an enclosed roof arena constructed to seat not less than five thousand people and containing at least ten thousand square feet of enclosed buildings, and any related facility which is part of, adjacent to or connected therewith by enclosed passageways, which structure is used for sporting events, exhibitions, trade shows, entertainment presentations, conventions, banquets, meetings, dances or fund-raising functions or similar functions. "Arena" means all that portion of a coliseum containing a floor area enclosed by fixed seats. "Coliseum club" means an enclosed facility within a coliseum kept, used and maintained as a place where alcoholic liquor or food is served for sale at retail for consumption on the coliseum premises but which does not necessarily serve hot meals and need not have a kitchen or dining room but shall have employed therein at all times an adequate number of employees who shall serve only the following categories of people: (1) Persons who are in the coliseum to attend an event or function and (2) persons who are in the coliseum club to attend a private party or banquet.

(P.A. 73-533, S. 2, 9; P.A. 75-641, S. 9; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 93-139, S.

32; P.A. 95-161, S. 4, 9; 95-195, S. 37, 83; 95-336, S. 3, 5.)

History: P.A. 75-641 deleted reference to "subdivision (15)" of Sec. 30-1 in Subsec. (c); P.A. 77-614 and P.A. 78-303 replaced liquor control

commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of

liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would

have placed the division within the public safety department; P.A. 93-139 made technical changes, added the annual fees for a coliseum permit

and a coliseum concession permit and added the definitions of "coliseum", "arena" and "coliseum club" as Subsec. (d); P.A. 95-161 amended

Subsec. (a) to prohibit the sale of beer at a coliseum within one hour of the scheduled end of a function, amended Subsec. (b) to prohibit the

sale of beer at a coliseum concession stand within one hour of the scheduled end of a function and amended Subsec. (d) to include a minor

league stadium in the definition of "coliseum", effective June 27, 1995; P.A. 95-195 amended Subsec. (c) to substitute Department of Consumer

Protection for Department of Liquor Control, effective July 1, 1995; P.A. 95-336 authorized sales of alcoholic liquor within one hour of the

scheduled end of a function at a coliseum where previously such sales were prohibited, effective July 6, 1995.

### Sec. 30-33b. Special sporting facility permits.

(a) A special sporting facility restaurant permit shall allow the retail sale of alcoholic liquor at any location in a special sporting facility kept, used, maintained, advertised and held out to the public to be a place where hot meals are regularly served and which has an adequate and sanitary kitchen and dining room and has employed therein at all times an adequate number of employees, provided such alcoholic liquor is

to be consumed within the special sporting facility. The annual fee for a special sporting facility restaurant permit shall be one thousand two hundred dollars. (b) A special sporting facility employee recreational permit shall allow the retail sale of beer in an establishment located within a special sporting facility and created to provide eating, sleeping and recreational accommodations to any person employed within such special sporting facility, provided such beer is to be consumed within such special sporting facility. The annual fee for a special sporting facility employee recreational permit shall be two hundred forty dollars. (c) A special sporting facility guest permit shall allow the retail sale of alcoholic liquor at any location in a special sporting facility reserved for guests approved by the holder of such permit and by the operator of such special sporting facility, provided such alcoholic liquor is to be consumed within such special sporting facility. The annual fee for a special sporting facility guest permit shall be two hundred forty dollars. (d) A special sporting facility concession permit shall allow the retail sale of beer and wine at locations within a special sporting facility, provided such beer and wine is to be consumed within such special sporting facility. The annual fee for a special sporting facility concession permit shall be two hundred forty dollars. (e) A special sporting facility bar permit shall allow the retail sale of alcoholic liquor at any location within a special sporting facility, provided such alcoholic liquor is to be consumed within such special sporting facility. The annual fee for a special sporting facility bar permit shall be three hundred dollars. (f) Notwithstanding the provisions of section 30-52, a coliseum concession permit that is issued to a municipality or a municipal authority shall allow the sale and consumption of beer and wine at jai alai frontons located within the boundaries of the municipality at such times when the municipality is a lessee or has physical control of the fronton; provided no such coliseum concession permit shall be issued or valid after December 31, 1982. The existence of another permit for the same fronton shall not bar sales under the coliseum concession permit and sales under a coliseum concession permit shall not bar the issuance or operation of any other permit on the fronton premises. (g) Any of the special sporting facility permits established under subsections (a) to (e), inclusive, of this section shall allow the retail sale of alcoholic liquor by such special sporting facility to any bona fide, nonprofit organization that rents, leases or otherwise uses such facility for social gatherings and events sponsored by such organization. (h) "Special sporting facility" means all of the land and buildings in which the principal business conducted is racing or jai alai exhibitions with pari-mutuel betting licensed by the gaming policy board. (P.A. 74-307, S. 2; P.A. 78-344, S. 3, 4; P.A. 80-247, S. 1, 2; P.A. 93-139, S. 33.) History: P.A. 78-344 added Subsec. (f) re sale of beer and wine at jai alai frontons; P.A. 80-247 added Subsec. (g) re sale of liquor under special sporting facility permits to nonprofit organizations using a facility; P.A. 93-139 made technical changes, added the annual fees for special sporting facility permits and added the definition of "special sporting facility" as Subsec. (h).

### Sec. 30-33c. Special outing facility permits.

(a) A special outing facility beer permit shall allow the retail sale of beer by a special outing facility to be consumed on its premises by patrons. (b) A special outing facility liquor permit shall allow the retail sale of alcoholic liquor by a special outing facility to be consumed on its premises by patrons. (c) The annual fee for a special outing facility beer permit shall be two hundred forty dollars and for a special outing facility liquor permit shall be one thousand two hundred dollars. (d) "Special outing facility" means a facility designed, constructed and used for corporate and private parties, sporting events, concerts, exhibitions, trade shows, entertainment presentations, conventions, banquets, meetings, dances, fund raising events and similar functions, located on a tract of land of not less than twenty acres containing an enclosed roofed pavilion constructed to seat not less than two hundred fifty people, where hot meals are regularly served in an adequate and sanitary dining area, such meals having been prepared in an adequate and sanitary kitchen on the premises, and employing an adequate number of employees who shall serve only persons who are at such outing facility to attend an event, function, private party or banquet. (P.A. 93-139, S. 37.)

### Sec. 30-39. Applications for permits, renewals.

Fees. Publication, remonstrance, hearing. (a) For the purposes of this section, the "filing date" of an application means the date upon which the department, after approving the application for processing, mails or otherwise delivers to the applicant a placard containing such date. (b) (1) Any person desiring a liquor permit or a renewal of such a permit shall make a sworn application therefor to the Department of Consumer Protection upon forms to be furnished by the department, showing the name and address of the applicant and of his backer, if any, the location of the club or place of business which is to be operated under such permit and a financial statement setting forth all elements and details of any business transactions connected with the application. Such application shall include a detailed description of the type of live entertainment that is to be provided. A club or place of business shall be exempt from providing such detailed description if the club or place of business (A) was issued a liquor permit prior to October 1, 1993, and (B) has not altered the type of entertainment provided. The application shall also indicate any crimes of which the applicant or his backer may have been convicted. Applicants shall submit documents sufficient to establish that state and local building, fire and zoning requirements and local ordinances concerning hours and days of sale will be met, except that local building and zoning requirements and local ordinances concerning hours and days of sale shall not apply to any class of airport permit. The State Fire Marshal or his certified designee shall be responsible for approving compliance with the State Fire Code at Bradley International Airport. Any person desiring a permit provided for in section 30-33b shall file a copy of his license from the Division of Special Revenue or the Gaming Policy Board with such application. The department may, at its discretion, conduct an investigation to determine whether a permit shall be issued to an applicant. (2) The applicant shall pay to the department a nonrefundable application fee, which fee shall be in addition to the fees prescribed in this chapter for the permit sought. An application fee shall not be charged for an application to renew a permit. The application fee shall be in the amount of ten dollars for the filing of each application for a permit by a charitable organization, including a nonprofit public television corporation, a nonprofit golf tournament permit, a temporary permit or a special club permit; and for all other permits in the amount of one hundred dollars for the filing of an initial application. Any permit issued shall be valid only for the purposes and activities described in the application. (3) The applicant, immediately after filing an application, shall give notice thereof, with the name and residence of the permittee, the type of permit applied for and the location of the place of business for which such permit is to be issued and the type of live entertainment to be provided, all in a form prescribed by the department, by publishing the same in a newspaper having a circulation in the town in which the place of business to be operated under such permit is to be located, at least once a week for two successive weeks, the first publication to be not more than seven days after the filing date of the application and the last publication not more than fourteen days after the filing date of the application. The applicant shall affix, and maintain in a legible condition upon the outer door of the building wherein such place of business is to be located and clearly visible from the public highway, the placard provided by the department, not later than the day following the receipt of the placard by the applicant. If such outer door of such premises is so far from the public highway that such placard is not clearly visible as provided, the department shall direct a suitable method to notify the public of such application. When an application is filed for any type of permit for a building that has not been constructed, such applicant shall erect and maintain in a legible condition a sign not less than six feet by four feet upon the site where such place of business is to be located, instead of such placard upon the outer door of the building. The sign shall set forth the type of permit applied for and the name of the proposed permittee, shall be clearly visible from the public highway and shall be so erected not later than the day following the receipt of the placard. Such applicant shall make a return to the department, under oath, of compliance with the foregoing requirements, in such form as the department may determine, but the department may require any additional proof of such compliance. Upon receipt of evidence of such compliance, the department may hold a hearing as to the suitability of the proposed location. The provisions of this subdivision shall not apply to applications for airline permits, charitable organization permits, temporary permits, special club permits, concession permits, military permits, railroad permits, boat permits, warehouse permits, brokers' permits, out-of-state shippers' permits for alcoholic liquor and out-of-state shippers' permits for beer, coliseum permits, coliseum concession permits, special sporting facility restaurant permits, special sporting facility employee recreational permits, special sporting facility guest permits, special sporting facility concession permits, special sporting facility bar permits, nonprofit golf tournament permits, nonprofit public television permits and renewals. (4) In any case in which a

permit has been issued to a partnership, if one or more of the partners dies or retires, the remaining partner or partners need not file a new application for the unexpired portion of the current permit, and no additional fee for such unexpired portion shall be required. Notice of any such change shall be given to the department and the permit shall be endorsed to show correct ownership. When any partnership changes by reason of the addition of one or more persons, a new application with new fees shall be required. (c) Any ten residents of the town within which is intended to be operated the business for which the permit or renewal thereof has been applied for, or, in the case of a manufacturer's or a wholesaler's permit, any ten residents of the state, may file with the department, within three weeks from the filing date of the application for an initial permit, and in the case of renewal of an existing permit, at least twenty-one days before the renewal date of such permit, a remonstrance containing any objection to the suitability of such applicant or proposed place of business. Upon the filing of such remonstrance, the department, upon written application, shall hold a hearing and shall give such notice as it deems reasonable of the time and place at least five days before such hearing is had. The remonstrants shall designate one or more agents for service, who shall serve as the recipient or recipients of all notices issued by the department. The decision of the department on such application shall be final with respect to the remonstrance. (d) No new permit shall be issued until the foregoing provisions of subsections (a) and (b) of this section have been complied with. Six months' or seasonal permits may be renewed, provided the renewal application and fee shall be filed at least twenty-one days before the reopening of the business, there is no change in the permittee, ownership or type of permit, and the permittee or backer did not receive a rebate of the permit fee with respect to the permit issued for the previous year. (e) The department may renew a permit that has expired if the applicant pays to the department a nonrefundable late fee of one hundred dollars, which fee shall be in addition to the fees prescribed in this chapter for the permit applied for. The provisions of this subsection shall not apply to one-day permits, to any permit which is the subject of administrative or court proceedings, or where otherwise provided by law.

(1949 Rev., S. 4259; 1949, 1951, 1955, S. 2161d; 1961, P.A. 302; 1971, P.A. 206; P.A. 73-7; 73-543, S. 7, 14; 73-584; P.A. 74-10, S. 1, 2; 74-307, S. 6; P.A. 75-641, S. 10; 75-642, S. 3; P.A. 76-370, S. 3; P.A. 77-114, S. 1; 77-412; 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 79-404, S. 40, 45; P.A. 80-482, S. 4, 170, 191, 342, 343, 345, 348; P.A. 82-332, S. 4, 13; P.A. 83-152, S. 4; 83-514; P.A. 84-494, S. 5, 11; P.A. 85-380, S. 7, 12; P.A. 93-56; 93-83, S. 1; 93-139, S. 48; P.A. 95-29, S. 13; 95-195, S. 45, 83.)

History: 1961 act provided procedure where permit is requested for building not yet constructed and excepted special club permits from notice requirement; 1971 act made hearings mandatory rather than discretionary; P.A. 73-7 required that sign denoting application for permit be erected not later than the day following receipt of placard rather than not later than the day following the date of application, deleted requirement that hearing be held in the town where the business is to be located and allowed renewal of six months' or seasonal permits if permittee or backer did not receive a fee rebate for the permit issued for the previous year; P.A. 73-543 included airline permits in exception to provision requiring publication of notice of application; P.A. 73-584 required that applicant pay nonrefundable application fee for initial applications and applications to permanently substitute the identity of the permittee; P.A. 74-10 divided section into Subsecs. and exempted charitable organization permits and temporary permits from provision requiring payment of nonrefundable application fee; P.A. 74-307 divided Subsec. (a) into Subdivs. (1) and (2), required that person seeking permits under Sec. 30-33b file a copy of his license with the application, moved exemptions from notice requirements to end of Subsec. (a) and added exemptions for coliseum permits, coliseum concession permits, special sporting facility restaurant, employee recreational, guest, concession and bar permits; P.A. 75-641 added Subdiv. (3) in Subsec. (a) re fees when permit is issued to a partnership; P.A. 75-642 required that initial and renewal permits for on-premise consumption require that applicant supply

names of bartender employees in Subsec. (a)(1) and made failure to supply names a ground for revocation of permit in Subsec. (c); P.A. 76-370 removed exception for charitable organization or temporary permit application in provision requiring payment of nonrefundable fees under Subsec. (a)(1) and imposed a ten-dollar fee for such permits; P.A. 77-114 deleted provision requiring payment of thirty-dollar fee for application to permanently substitute the identity of the permittee in Subsec. (a)(1); P.A. 77-412 made ten-dollar application fee in Subsec. (a)(1) applicable to special club permits; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 79-404 allowed alternative filing of copy of license issued by division of special revenue within the department of business regulation (formerly commission on special revenue) or gaming policy board with application for permit under Sec. 30-33b in Subsec. (a)(1); P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department and placed division of special revenue within the department of revenue services for administrative purposes following the abolition of business regulation department; P.A. 82-332 eliminated citizenship requirement and requirement that bartender's names be furnished to department, added requirement that statements be submitted relating to finances, convictions of crimes and compliance with local ordinances and provided that investigations are to be made at the discretion of the department; P.A. 83-152 amended Subdiv. (1) of Subsec. (a) by requiring that nonprofit public television corporations pay a ten-dollar fee for an application; P.A. 83-514 added Subsec. (d) which allows the department to review a permit which has expired upon payment of a nonrefundable fee of one hundred dollars; P.A. 84-494 amended Subdiv. (1) of Subsec. (a) by exempting any class of airport permit from the provisions of local building and zoning requirements concerning hours and days of sale and by requiring the state fire marshal to approve compliance with the state fire code at Bradley International Airport; P.A. 85-380 amended Subdiv. (1) of Subsec. (a) by adding nonprofit golf tournament permits to the number of charitable permits with a fee of ten dollars; P.A. 93-56 required applicants for liquor permits, after October 1, 1993, to submit a detailed description of any live entertainment to be provided; P.A. 93-83 made technical changes, inserted new Subsec. (a) defining "filing date", relettering remaining Subsecs. accordingly, and in Subsec. (c) specified the time period for residents to file a remonstrance in cases involving initial permits and permit renewals; P.A. 93-139 made technical changes; P.A. 95-29 amended Subdiv. (3) of Subsec. (b) to include nonprofit golf tournament and nonprofit public television permits in the list of exempted permits and amended Subsec. (c) to require remonstrants to designate agents for service, effective May 16, 1995; P.A. 95-195 amended Subdiv. (1) of Subsec. (b) to substitute Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995. The provision concerning finality of decision as to remonstrants is not binding on town which was not a remonstrant. 132 C. 212. Such provision refers only to matters of fact; it does not mean the commission's decision is not open to attack by proper legal procedure. 133 C. 156. Cited. 135 C. 397. Cited. 150 C. 425. There is no direct appeal from action of commission in granting, suspending or revoking permits except by applicants and permittees but, where commission grants a permit in violation of express provision of law, its action may be

attacked by a proper legal procedure. 153 C. 50. Where defendant had failed to specify in notices initially published and erected by him the type of permit applied for, plaintiffs were not entitled to injunction against him since they failed to prove they were substantially and irreparably injured by this violation or the granting of the permit. Id., 52. Cited. 184 C. 75, 80. Cited. 191 C. 528, 540. Cited. 4 CA 252, 257. Cited. 13 CS 206; 14 CS 155. Commission cannot stifle competition unless public welfare endangered. 13 CS 221. See note to section 30-14. Court held date of filing as date application is approved for processing, not date received. 25 CS 195. Subsec. (a): Subdiv. (1): Requirement that permittee seeking renewal make sworn application is an act to be performed personally. 175 C. 279, 280, 287. Subsec. (b): Cited. 175 C. 409, 411. Subsec. (c): Cited. 6 CA 278, 280, 282.

### Sec. 30-48. Limitations of permits; exceptions.

Loans. Period of credit. Resolution of credit disputes. (a) No backer or permittee of one class shall be a backer or permittee of any other class except in the case of any class of airport, railroad, airline and boat permits, except that: A backer of a hotel or restaurant permit may be a backer in both such classes and a backer of a restaurant or cafe permit may be a backer of both such classes; a holder or backer of a restaurant permit may be a holder or backer of a bowling establishment permit; a backer of a restaurant permit may be a backer of a coliseum permit or a coliseum concession permit, or both, when such restaurant is within a coliseum; a backer of a hotel permit may be a backer of a coliseum permit or a coliseum concession permit, or both; a backer of a coliseum permit may be a backer of a coliseum concession permit; a backer of a coliseum concession permit may be a backer of a coliseum permit; a backer of a grocery store beer permit may be a backer of a package store permit if such was the case on or before May 1, 1996; a backer of a university permit may be a backer of a nonprofit theater permit; subject to the discretion of the Department of Consumer Protection, a backer of a permit provided for in section 30-33b, may be a backer of any other retail on-premise consumption permit, including those permits provided for in said section 30-33b; a backer of a nonprofit theater permit may be a holder or backer of a hotel permit; and a holder or backer of a restaurant permit may be a holder or backer of a special outing facility permit. Any person may be a permittee of more than one permit; and a person may be a permittee under a permit provided for in said section 30-33b, and a backer of any other retail on-premise consumption permit, including those permits provided for in said section 30-33b. The operator of a racing or jai alai exhibition with pari-mutuel betting licensed by the Gaming Policy Board may be a backer of any permit provided for in said section 30-33b. (b) No permittee or backer thereof and no employee or agent of such permittee or backer shall borrow money or receive credit in any form for a period in excess of thirty days, directly or indirectly, from any manufacturer permittee, or backer thereof, or from any wholesaler permittee, or backer thereof, of alcoholic liquor or from any member of the family of such manufacturer permittee or backer thereof or from any stockholder in a corporation manufacturing or wholesaling such liquor, and no manufacturer permittee or backer thereof or wholesaler permittee or backer thereof or member of the family of either of such permittees or of any such backer, and no stockholder of a corporation manufacturing or wholesaling such liquor shall lend money or otherwise extend credit, directly or indirectly, to any such permittee or backer thereof or to the employee or agent of any such permittee or backer. A wholesaler permittee or backer, or a manufacturer permittee or backer, that has not received payment in full from a retailer permittee or backer within thirty days after the date such credit was extended to such retailer or backer or to an employee or agent of any such retailer or backer, shall give a written notice of obligation to such retailer within the five days following the expiration of the thirty-day period of credit. The notice of obligation shall state: The amount due; the date credit was extended; the date the thirty-day period ended, and that the retailer is in violation of this section. A retailer who disputes the accuracy of the "notice of obligation" shall, within the ten days following the expiration of the thirty-day period of credit, give a written response to notice of obligation to the department and give a copy to the wholesaler or manufacturer who sent the notice. The response shall state the retailer's

basis for dispute and the amount, if any, admitted to be owed for more than thirty days; the copy forwarded to the wholesaler or manufacturer shall be accompanied by the amount admitted to be due, if any, and such payment shall be made and received without prejudice to the rights of either party in any civil action. Upon receipt of the retailer's response, the chairman of the commission or his designee shall conduct an informal hearing with the parties being given equal opportunity to appear and be heard. If the chairman or his designee determines that the notice of obligation is accurate, the department shall forthwith issue an order directing the wholesaler or manufacturer to promptly give all manufacturers and wholesalers engaged in the business of selling alcoholic liquor to retailers in this state, a "notice of delinquency". The notice of delinquency shall identify the delinquent retailer, and state the amount due and the date of the expiration of the thirty-day credit period. No wholesaler or manufacturer receiving a notice of delinquency shall extend credit by the sale of alcoholic liquor or otherwise to such delinquent retailer until after the manufacturer or wholesaler has received a "notice of satisfaction" from the sender of the notice of delinquency. If the chairman or his designee determines that the notice of obligation is inaccurate, the department shall forthwith issue an order prohibiting a notice of delinquency. The party for whom the determination by the chairman or his designee was adverse, shall promptly pay to the department a part of the cost of the proceedings as determined by the chairman or his designee, which shall not be less than fifty dollars. The department may suspend or revoke the permit of any permittee who, in bad faith, gives an incorrect notice of obligation, an incorrect response to notice of obligation, or an unauthorized notice of delinquency. If the department does not receive a response to the notice of obligation within such ten-day period, the delinquency shall be deemed to be admitted and the wholesaler or manufacturer who sent the notice of obligation shall, within the three days following the expiration of such ten-day period, give a notice of delinquency to the department and to all wholesalers and manufacturers engaged in the business of selling alcoholic liquor to retailers in this state. A notice of delinquency identifying a retailer who does not file a response within such ten-day period shall have the same effect as a notice of delinquency given by order of the chairman or his designee. A wholesaler permittee or manufacturer permittee that has given a notice of delinquency and that receives full payment for the credit extended, shall, within three days after the date of full payment, give a notice of satisfaction to the department and to all wholesalers and manufacturers to whom a notice of delinquency was sent. The prohibition against extension of credit to such retailer shall be void upon such full payment. The department may revoke or suspend any permit for a violation of this section. An appeal from an order of revocation or suspension issued in accordance with this section may be taken in accordance with section 30-60. (c) If there is a proposed change or change in ownership of a retail permit premises, no application for a permit shall be approved until the applicant files with the department: (1) An affidavit executed by the predecessor permittee or backer listing all unpaid obligations of the predecessor for the purchase of alcoholic liquor at such permit premises and (2) an affidavit executed by the applicant stating that all such listed obligations have been paid, unless, after hearing, the department finds that such predecessor abandoned the premises prior to the filing of the application and finds that such predecessor did not receive any consideration, direct or indirect, for his abandonment. (d) A permittee may file a designation of an authorized agent with the department to issue or receive all notices or documents provided for in this section. The permittee shall be responsible for the issuance or receipt of such notices or documents by the agent. (e) The period of credit permitted under this section shall be calculated as the time elapsing between the date of receipt of the alcoholic liquors by the purchaser and the date of full legal discharge of the purchaser through the payment of cash or its equivalent from all indebtedness arising from the transaction except that, if the last day for payment falls on a Saturday, Sunday or legal holiday, the last day for payment shall then be the next business day.

(1949, Rev., S. 4266; 1969, P.A. 150, S. 1; 1972, P.A. 143; P.A. 73-533, S. 6; 73-543, S. 9, 14; P.A. 74-307, S. 9; P.A. 75-598, S. 4; 75-641, S. 13; P.A. 77-132, S. 1, 2; 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 79-404, S. 41, 45; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 82-32, S. 1, 2; 82-332, S. 5, 13; P.A. 84-494, S. 8, 11; P.A. 85-380, S. 3, 12; P.A. 93-139, S. 51; P.A. 95-161, S. 5; 95-195, S. 51, 83; P.A. 96-7, S. 3, 5; 96-220, S. 5, 7.)

History: 1969 act permitted backer of hotel or restaurant permit to be a backer "in both such classes"; 1972 act permitted backer of restaurant or cafe permit to be backer of both such classes; P.A. 73-533 added provisions re backers of coliseum concession permits; P.A. 73-543 allowed

backer or permittee of airline permit to be backer or permittee in other classes; P.A. 74-307 added provisions re backers of special sporting facility permits, allowed permittees to have more than one permit where commission determines that location of permits will allow for sufficient supervision, etc. and allowed operators of racing or jai alai exhibitions to back permits; P.A. 75-598 allowed backer or permittee of night club permit to be backer or permittee in other classes; P.A. 75-641 required that appeals be taken in accordance with Sec. 30-60 rather than Sec. 30-55; P.A. 77-132 allowed backer of university permit to be backer of nonprofit theater permit; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 79-404 replaced commission on special revenue with gaming policy board in provision re licensing of racing or jai alai exhibition; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 82-32 permitted a person who is a holder or backer of a restaurant permit to be a holder or backer of a bowling establishment permit; P.A. 82-332 divided section into Subsecs., eliminated provision in Subsec. (a) concerning supervision and responsibility by permittees, established dispute resolution process for thirty day credit violations and made suspension of license for violation optional rather than mandatory; P.A. 84-494 amended Subsec. (a) by allowing backers or permittees of one class of permit to be a backer or permittee of any class of airport permit; P.A. 85-380 amended Subsec. (a) by eliminating reference to night club permits; P.A. 93-139 made technical changes; P.A. 95-161 amended Subsec. (a) to permit the holder or backer of a restaurant permit to be a holder or backer of a special outing facility permit; P.A. 95-195 amended Subsec. (a) by substituting Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 96-7 amended Subsec. (a) to permit a backer of a nonprofit theater permit to be a holder or backer of a hotel permit, effective April 2, 1996; P.A. 96-220 amended Subsec. (a) to permit the backer of a grocery store beer permit to be a backer of a package store permit if such was the case on or before May 1, 1996, effective June 4, 1996. Statute aimed at "tied house." 128 C. 162; 132 C. 152. Revocation mandatory in case of violation. 128 C. 163. Designed to place definite restrictions upon nonpermittees as well as permittees and, read together with Sec. 30-113, provides a penalty against stockholder in brewing company. Id., 164. Not so indefinite or discriminatory as to violate due process. Id., 165. Includes extension of credit by notes which are to run after permits are granted. Id., 168. Backer could not be held as a matter of law to have such control of corporation as to justify disregarding corporate entities. 132 C. 155. Refusal based on suspicion that owner of another class would have an interest. Id., 426. Holder of out-of-state shipper's permit for beer only properly denied wholesaler beer permit. 134 C. 556. This is a constitutional exercise of the police power and not discrimination between residents and nonresidents. 138 C. 669. Cited. 148 C. 652; 156 C. 291, 301. Cited. 175 C. 279, 282. Cited. 226 C. 418, 424. Denial of wholesaler permit because members of applicant's family who were partners, backers or permittees would have an interest in the permit was overruled. 13 CS 248.

Sec. 30-59a. Notice of suspension or revocation of sporting facility permits or licenses issued by the Division of Special Revenue or the Gaming Policy Board.

The Department of Consumer Protection shall, upon notice from the Division of Special Revenue of the name and address of any person who has had his license suspended or revoked by the Gaming Policy Board or the executive director of the Division of Special Revenue, suspend the permit of such person until such license has been restored to such person. The Department of Consumer Protection shall notify the Division of Special Revenue of the name and address of any permittee or backer whose permit has been suspended or revoked.

(P.A. 74-307, S. 11; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 79-404, S. 42, 45; P.A. 80-482, S. 4, 170, 191, 342, 343, 345, 348; P.A. 95-195, S. 62, 83.)

History: P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 79-404 replaced commission on special revenue with division of special revenue within the department of business regulation and gaming policy board as necessary; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department and placed division of special revenue within department of revenue services following abolition of business regulation department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995.

## **PART VII. PROHIBITED ACTS PENALTIES AND PROCEDURE**

Sec. 30-106. Entry into disorderly house by officer.

Every officer who has a warrant for the arrest of any person charged with keeping a house of ill-fame, or a house reputed to be a house of ill-fame, or a house of assignation or a house where lewd, dissolute or drunken persons resort, or where drinking, carousing, dancing and fighting are permitted, to the disturbance of the neighbors, or with violating any law against gaming in the house or rooms occupied by him, or with resorting to any house for any of said purposes, and every officer who has a warrant for the arrest of any person charged with keeping open any room, place, enclosure, building or structure, of any kind or description, in which it is reputed that alcoholic liquor is exposed for sale contrary to law, or with selling alcoholic liquor, in any place contrary to law, or for the seizure of alcoholic liquor, may, at any time, for the purpose of gaining admission to such house, room, place, enclosure, building or structure, or for the purpose of arresting any of the persons aforesaid, make violent entry into such house, room, place, enclosure, building or structure, or any part thereof, after demanding admittance and giving notice that he is an officer and has such warrant, and may arrest any person so charged and take him before the proper authority. The Department of Consumer Protection, its agents, the sheriff of the county, and any deputy sheriff by him specially authorized, and any member of any organized police department in any town, city or borough, and any state policeman, may, at any time, enter upon the premises of any permittee to ascertain the manner in which such person conducts his business and to preserve order.

(1949 Rev., S. 4310; 1959, P.A. 516; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 80, 83.)

History: 1959 act substituted, for entry on permit premises, any member of organized police department for chief or policeman authorized by him; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of

business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995. Cited. 153 C. 155. Voluntary admittance of officer does not constitute forcible, warrantless entry. No illegal search and seizure. 160 C. 1, 68. Cited. 226 C. 418, 424. City police without warrants are not within the class of persons authorized by statute. 13 CS 171.

**TITLE 31. LABOR**  
**CHAPTER 557. EMPLOYMENT REGULAION**  
**PART III. STATE CONTRACTS**

Sec. 31-57e. Contracts between the state and federally recognized Indian tribes.

Employment Rights Code; protection of persons employed by a tribe. (a) As used in this section: (1) "Commercial enterprise" means any form of commercial conduct or a particular commercial transaction or act, including the operation of a casino, which relates to or is connected with any profit-making pursuit; (2) "Labor organization" means any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment; (3) "Tribe" means any federally recognized Indian tribe which is subject to the Indian Gaming Regulatory Act, P.L. 100-497, 25 USC 2701 et seq. (b) The state shall not provide any funds or services which directly or indirectly assist any tribe engaged in a commercial enterprise until the tribe adopts an Employment Rights Code established pursuant to subsection (e) of this section, unless such funds or services are (1) required by federal or state law, (2) were agreed to in writing prior to July 1, 1993, or (3) are provided to a project which is covered by federal or state employment regulations or employment rights laws. This subsection shall not be construed to prohibit the state from enforcing any civil or criminal law, or any gaming regulation at a commercial enterprise owned or operated by a tribe, or to require the state to enforce a violation of any criminal law which would not be a violation if it occurred outside tribal land. The Governor, upon consulting with the leaders of the General Assembly, may waive the restrictions set forth in this subsection in the event of a declared emergency. (c) The state shall oppose any application by a tribe, pursuant to 25 CFR chapter 151, to convert any parcel of fee interest land to federal trust status. The conversion shall be deemed contrary to the interest of the state and its residents. (d) The Governor shall include in each future proposal by the state in negotiations conducted pursuant to the Indian Gaming Regulatory Act, a provision requiring the adoption of an Employment Rights Code established pursuant to subsection (e) of this section. The Governor shall employ his best efforts to ensure that any final agreement, compact or contract established under the Indian Gaming Regulatory Act includes an Employment Rights Code in accordance with subsection (e) of this section. (e) The Employment Rights Code referred to under this section shall include the following provisions: (1) A commercial enterprise subject to tribal jurisdiction shall not, except in the case of a bona fide occupational qualification or need, refuse to hire or employ or bar or discharge from employment any individual or discriminate against him in compensation or in terms, conditions or privileges of employment because of the individual's race, color, religious creed, sex, marital status, national origin, ancestry, age, present or past history of mental disorder, mental retardation, sexual orientation, learning or physical disability, political activity, union activity or the exercise of rights protected by the United States Constitution. This subdivision shall not be construed to restrict the right of a tribe to give preference in hiring to members of the tribe. (2) A commercial enterprise subject to tribal jurisdiction shall not deny any individual, including a representative of a labor organization, seeking to ensure compliance with this section, access to employees of the tribe's commercial enterprise during nonwork time in nonwork areas. The tribe shall not permit any supervisor, manager or other agent of the tribe to restrict or otherwise interfere with such access. (3) When a labor organization claims that it has been designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, the labor organization may apply to an arbitrator to verify the claim pursuant to subdivision (4) of this subsection. If the arbitrator verifies that the labor organization has been designated or selected as the bargaining representative by a majority of the

employees in an appropriate unit, the tribe shall, upon request, recognize the labor organization as the exclusive bargaining agent and bargain in good faith with the labor organization in an effort to reach a collective bargaining agreement. However, the arbitrator shall disallow any claim by a labor organization which is dominated or controlled by the tribe. (4) (A) Any individual or organization claiming to be injured by a violation of any provision of this subsection shall have the right to seek binding arbitration under the rules of the American Arbitration Association. Such individual or organization shall file a demand for arbitration with the tribe not later than one hundred eighty days after the employee or labor organization knows or should know of the tribe's violation of any provision of this subsection. The demand shall state, in plain language, the facts giving rise to the demand. (B) The demand for arbitration shall also be served upon the Connecticut office of the American Arbitration Association. Absent settlement, a hearing shall be held in accordance with the rules and procedures of the American Arbitration Association. The costs and fees of the arbitrator shall be shared equally by the tribe and the labor organization. (C) The decision of the arbitrator shall be final and binding on both parties and shall be subject to judicial review and enforcement against all parties in the manner prescribed by chapter 909. (5) A tribe shall not retaliate against any individual who exercises any right under the Employment Rights Code. Any individual or organization claiming to be injured by a violation of the provisions of this section shall have the right to seek binding arbitration pursuant to subdivision (4) of this subsection. (f) Notwithstanding the provisions of this section, the Governor may negotiate an agreement with a tribe which establishes rights for employees of commercial enterprises subject to tribal jurisdiction in addition to those provided under the Employment Rights Code established under subsection (e) of this section.

(P.A. 93-365, S. 16.)

History: P.A. 93-365 effective July 1, 1993.

**TITLE 32. COMMERCE AND ECONOMIC AND COMMUNITY DEVELOPMENT**  
**CHAPTER 578. DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT**

Sec. 32-9p. Definitions.

As used in subdivisions (59) and (60) of section 12-81 and sections 12-217e, 32-9p to 32-9s, inclusive, 32-23n and 32-23p, the following words and terms have the following meanings: (a) "Area of high unemployment" means, as of the date of any final and official determination by the authority or the department to extend assistance under said sections, any municipality which is a distressed municipality as defined in subsection (b) of this section, and any other municipality in the state which in the calendar year preceding such determination had a rate of unemployment which exceeded one hundred ten per cent of the average rate of unemployment in the state for the same calendar year, as determined by the Labor Department, provided no such other municipality with an unemployment rate of less than six per cent shall be an area of high unemployment. (b) "Distressed municipality" means, as of the date of the issuance of an eligibility certificate, any municipality in the state which, according to the United States Department of Housing and Urban Development meets the necessary number of quantitative physical and economic distress thresholds which are then applicable for eligibility for the urban development action grant program under the Housing and Community Development Act of 1977, as amended, or any town within which is located an unconsolidated city or borough which meets such distress thresholds. Any municipality which, at any time subsequent to July 1, 1978, has met such thresholds but which at any time thereafter fails to meet such thresholds, according to said department, shall be deemed to be a distressed municipality for a period of five years subsequent to the date of the determination that such municipality fails to meet such thresholds, unless such municipality elects to terminate its designation as a "distressed municipality", by vote of its legislative body, not later than September 1, 1985, or not later than three months after receiving notification from the commissioner that it no longer meets such thresholds, whichever is later. In the event a distressed municipality elects to terminate its designation, the municipality shall notify the commissioner and the Secretary of the Office of Policy and Management in writing within thirty days. In

the event that the commissioner determines that amendatory federal legislation or administrative regulation has materially changed the distress thresholds thereby established, "distressed municipality" shall mean any municipality in the state which meets comparable thresholds of distress which are then applicable in the areas of high unemployment and poverty, aging housing stock and low or declining rates of growth in job creation, population and per capita income as established by the commissioner, consistent with the purposes of subdivisions (59) and (60) of section 12-81 and sections 12-217e, 32-9p to 32-9s, inclusive, 32-23n and 32-23p, in regulations adopted in accordance with chapter 54. For purposes of sections 32-9p to 32-9s, inclusive, "distressed municipality" shall also mean any municipality adversely impacted by a major plant closing, relocation or layoff, provided the eligibility of a municipality shall not exceed two years from the date of such closing, relocation or layoff. The Commissioner of Economic and Community Development shall adopt regulations, in accordance with the provisions of chapter 54, which define what constitutes a "major plant closing, relocation or layoff" for purposes of sections 32-9p to 32-9s, inclusive. "Distressed municipality" shall also mean the portion of any municipality which is eligible for designation as an enterprise zone pursuant to subdivision (2) of subsection (b) of section 32-70. (c) "Eligibility certificate" means a certificate issued by the department pursuant to section 32-9r evidencing its determination that a facility for which an application for assistance has been submitted qualifies as a manufacturing facility and is eligible for assistance under section 12-217e and subdivisions (59) and (60) of section 12-81. (d) "Manufacturing facility" means any plant, building, other real property improvement, or part thereof, (1) which (A) is constructed or substantially renovated or expanded on or after July 1, 1978, in a distressed municipality, a targeted investment community as defined in section 32-222, or an enterprise zone designated pursuant to section 32-70, or (B) is acquired on or after July 1, 1978, in a distressed municipality, a targeted investment community as defined in section 32-222, or an enterprise zone designated pursuant to said section 32-70, by a business organization which is unrelated to and unaffiliated with the seller, after having been idle for at least one year prior to its acquisition and regardless of its previous use; (2) which is to be used for the manufacturing, processing or assembling of raw materials, parts or manufactured products, for research and development facilities directly related to manufacturing, for the significant servicing, overhauling or rebuilding of machinery and equipment for industrial use, or, except as provided in this subsection, for warehousing and distribution or, (i) if located in an enterprise zone designated pursuant to said section 32-70, which is to be used by an establishment, an auxiliary or an operating unit of an establishment as such terms are defined in the Standard Industrial Classification Manual, in the categories of depository institutions, nondepository credit institutions, insurance carriers, holding or other investment offices, business services, health services, fishing, hunting and trapping, motor freight transportation and warehousing, water transportation, transportation by air, transportation services, security and commodity brokers, dealers, exchanges and services, telemarketing or engineering, accounting, research, management and related services from the Standard Industrial Classification Manual, which establishment, auxiliary or operating unit shows a strong performance in exporting goods and services, as defined by the commissioner through regulations adopted under chapter 54 or (ii) if located in a municipality with an entertainment district designated under section 32-76 or established under section 2 of public act 93-311\*, is to be used in the production of entertainment products, including multimedia products, or as part of the airing, display or provision of live entertainment for stage or broadcast, including support services such as set manufacturers, scenery makers, sound and video equipment providers and manufacturers, stage and screen writers, providers of capital for the entertainment industry and agents for talent, writers, producers and music properties and technological infrastructure support including, but not limited to, fiber optics, necessary to support multimedia and other entertainment formats, except entertainment provided by or shown at a gambling or gaming facility or a facility whose primary business is the sale or serving of alcoholic beverages; and (3) for which the department has issued an eligibility certificate in accordance with section 32-9r. In the case of facilities which are acquired, the department may waive the requirement of one year of idleness if it determines that, absent qualification as a manufacturing facility under subdivisions (59) and (60) of section 12-81, and sections 12-217e, 32-9p to 32-9s, inclusive, 32-23n and 32-23p, there is a high likelihood that the facility will remain idle for one year. In the case of facilities located in an enterprise zone designated pursuant to said section 32-70, (i) the idleness requirement in subparagraph (B) of subdivision (1), for business organizations which over the six months preceding such acquisition have had an average total employment of between six and nineteen employees, inclusive, shall be reduced to a minimum of six months, and (ii) the idleness requirement shall not apply to business organizations with an average total employment of five or fewer employees, provided no more than one eligibility certificate shall be issued

under this subparagraph (ii) for the same facility within a three-year period. Of those facilities which are for warehousing and distribution, only those which are newly constructed or which represent an expansion of an existing facility qualify as manufacturing facilities. In the event that only a portion of a plant is acquired, constructed, renovated or expanded, only the portion acquired, constructed, renovated or expanded constitutes the manufacturing facility. A manufacturing facility which is leased may for the purposes of subdivisions (59) and (60) of section 12-81 and sections 12-217e, 32-9p to 32-9s, inclusive, 32-23n and 32-23p, be treated in the same manner as a facility which is acquired if the provisions of the lease serve to further the purposes of subdivisions (59) and (60) of section 12-81, and sections 12-217e, 32-9p to 32-9s, inclusive, 32-23n and 32-23p and demonstrate a substantial, long-term commitment by the occupant to use the manufacturing facility, including a contract for lease for an initial minimum term of five years with provisions for the extension of the lease at the request of the lessee for an aggregate term which shall not be less than ten years, or the right of the lessee to purchase the facility at any time after the initial five-year term, or both. For a facility located in an enterprise zone designated pursuant to said section 32-70, and occupied by a business organization with an average total employment of ten or fewer employees over the six-month period preceding acquisition, such contract for lease may be for an initial minimum term of three years with provisions for the extension of the lease at the request of the lessee for an aggregate term which shall not be less than six years, or the right of the lessee to purchase the facility at any time after the initial three-year term, or both, and may also include the right for the lessee to relocate to other space within the same enterprise zone, provided such space is under the same ownership or control as the originally leased space or if such space is not under such same ownership or control as the originally leased space, permission to relocate is granted by the lessor of such originally leased space, and such relocation shall not extend the duration of benefits granted under the original eligibility certificate. Except as provided in subparagraph (B) above, a manufacturing facility does not include any plant, building, other real property improvement or part thereof used or usable for such purposes which existed before July 1, 1978. (e) "Service facility" means a manufacturing facility described in subparagraph (i) of subdivision (2) of subsection (d) of this section, provided such facility is located outside of an enterprise zone in a targeted investment community. (f) "Authority", "capital reserve fund bond", "commissioner", "department", "industrial project" and "insurance fund" shall have the meaning such words and terms are given in section 32-23d. (g) "Municipality" means any town, city or borough in the state.

(P.A. 78-357, S. 2, 16; P.A. 79-492, S. 1, 4; 79-508, S. 4, 5; P.A. 81-109, S. 1, 3; 81-333, S. 1, 3; P.A. 83-246; 83-451, S. 3, 4; P.A. 85-578, S. 1, 5; P.A.

86-153, S. 2, 5; 86-258, S. 2, 8; P.A. 89-235, S. 3, 5; P.A. 90-270, S. 17, 38; P.A. 93-311, S. 3, 8; P.A. 94-247, S. 2, 8; P.A. 95-250, S. 1; P.A. 96-211, S. 1,

5, 6; 96-222, S. 23; 96-239, S. 10, 17.) \*Note: Section 2 of public act 93-311 is special in nature and therefore has not been codified but remains in full force and effect according to its terms.

History: P.A. 79-492 expanded definition of "manufacturing facility" to include warehouse facilities, to allow waiver of one year of idleness

requirement and to clarify applicability to newly constructed or expanded facilities; P.A. 79-508 redefined "area of high unemployment" to

specifically include distressed municipalities and to specifically exclude other municipalities with unemployment rate of less than six per cent;

P.A. 81-109 deleted Subdiv. (g) which had defined "commissioner of commerce" to mean commissioner of economic development in certain

sections; P.A. 81-333 amended Subsec. (b) to provide for five year extension of distressed municipality status for municipalities previously so

designated but subsequently failing to meet federal thresholds; P.A. 83-246 included research and development facilities within the definition of

"manufacturing facility" in Subsec. (d); P.A. 83-451 amended Subsec. (b) to include within "distressed municipality" any municipality adversely

affected by a major plant closing, relocation or layoff, as defined in regulations to be adopted by the commissioner of economic development;

P.A. 85-578 amended Subsec. (b) to authorize a municipality to elect to terminate its designation as a "distressed municipality"; P.A. 86-153

amended Subdiv. (b) to require notification to the commissioner and the secretary of the office of policy and management in the event a distressed municipality elects to terminate its designation, effective April 28, 1986, and applicable in any municipality for purposes of the assessment year commencing October 1, 1986, and each assessment year thereafter; P.A. 86-258 added to definition of "distressed municipality" the portion of a municipality eligible for enterprise zone designation pursuant to Subdiv. (2) of Subsec. (b) of Sec. 32-70, amended definition of "manufacturing facility" to include certain service facilities located in an enterprise zone, to modify the idleness requirement for facilities located in an enterprise zone and to modify lease requirements for facilities generally; P.A. 89-235 amended the definition of "manufacturing facility" in Subsec. (d) to make technical changes to the categories of eligible facilities located in an enterprise zone which are defined in the Standard Industrial Classification Manual, deleted the requirement for the creation of ten or more new employment positions for such facilities, made technical changes to manufacturing facility leasing requirements and deleted provisions disqualifying business facilities that transfer personnel or employment positions from within a distressed municipality and which does not represent a net expansion of business operations and employment in such municipality; P.A. 90-270 amended Subsec. (d) to redefine "manufacturing facility" to include a facility located in a targeted investment community or an enterprise zone and expanded the categories of activities to include health services, fishing, hunting and trapping, motor freight transportation and warehousing, water transportation, transportation by air, transportation services, security and commodity brokers, dealers, exchanges and services; P.A. 93-311 amended the definition of "manufacturing facility" to include facilities located in an entertainment district, effective July 1, 1993; P.A. 94-247 redefined "manufacturing facility" to include facilities used in the production of multimedia products and technological infrastructure support, effective June 9, 1994; P.A. 95-250 and P.A. 96-211 replaced Commissioner and Department of Economic Development with Commissioner and Department of Economic and Community Development; P.A. 96-222 amended Subsec. (d)(2) by deleting the phrase "in bulk of manufactured products on other than a retail basis" after the phrase "warehousing and distribution" and Subsec. (d)(3) by deleting the phrase "of manufactured products on other than a retail basis," after the phrase "warehousing and distribution"; P.A. 96-239 redefined "manufacturing facility" in Subsec. (d)(2)(i) by adding "telemarketing" to list of SIC categories, inserted a new Subsec. (e) defining "service facility" and relettered former Subsecs. (e) and (f) as Subsecs. (f) and (g), effective July 1, 1996.

Subdiv. (b): Cited. 234 C. 624, 633.

Sec. 32-9r. Manufacturing facilities in distressed municipalities, targeted investment communities and enterprise zones.

Service facilities. Eligibility for business tax credit and property tax exemption. (a) Any person may apply to the department for a determination as to whether the facility described in an application qualifies as a manufacturing facility or service facility. Applications for eligibility certificates are to be made on the forms and in the manner prescribed by the department. In evaluating each application the department may

require the submission of all books, records, documents, drawings, specifications, certifications and other evidentiary items which it deems appropriate. No eligibility certificate shall be issued after March 1, 1991, for a manufacturing facility located in a distressed municipality which does not qualify as a targeted investment community unless the department has issued to the applicant a commitment letter for such facility prior to March 1, 1991. Notwithstanding the provisions of this subsection, an eligibility certificate may be issued by the department after March 1, 1991, for a qualified manufacturing facility acquired, constructed or substantially renovated in a distressed municipality provided the commissioner determines that such acquisition, construction or substantial renovation was initiated prior to March 1, 1991, and was legitimately induced by the prospect of assistance under section 12-217e and subdivisions (59) and (60) of section 12-81, respectively. The department may issue an eligibility certificate for a qualified manufacturing facility or a qualified service facility located in a targeted investment community upon determination by the commissioner (A) that the acquisition, construction or substantial renovation relating to the qualified manufacturing facility or qualified service facility in such community was induced by the prospect of assistance under section 12-217e and subdivisions (59) and (60) of said section 12-81; and (B) the applicant demonstrates an economic need or there is an economic benefit to the state. The department shall issue an eligibility certificate if the commissioner determines (1) that the manufacturing facility is located in an enterprise zone designated pursuant to section 32-70 and is a qualified manufacturing facility or (2) that the facility is a plant, building, other real property improvement, or part thereof, which is located in a municipality with an entertainment district designated under section 32-76 or established under section 2 of public act 93-311\*, and which qualifies as a "manufacturing facility" under subsection (d) of section 32-9p in that it is to be used in the production of entertainment products, including multimedia products, or as part of the airing, display or provision of live entertainment for stage or broadcast, including support services such as set manufacturers, scenery makers, sound and video equipment providers and manufacturers, stage and screen writers, providers of capital for the entertainment industry and agents for talent, writers, producers and music properties and technological infrastructure support including, but not limited to, fiber optics, necessary to support multimedia and other entertainment formats, except entertainment provided by or shown at a gambling or gaming facility or a facility whose primary business is the sale or serving of alcoholic beverages. (b) The department shall reach a determination as to the eligibility of a facility within a reasonable time period, but may postpone the determination to the extent required to verify to its satisfaction that there is a high likelihood that any proposed facility will actually be constructed, expanded, substantially renovated or acquired. Upon a favorable finding, the department shall issue to the applicant a certificate to the effect that the facility concerned is a manufacturing facility or a service facility and is eligible for assistance under section 12-217e and subdivisions (59) and (60) of section 12-81. (c) Upon an unfavorable determination the department shall issue a notice to the applicant to the effect that the facility concerned has been determined not to be a manufacturing facility or a service facility, together with a statement in reasonable detail as to the reasons for the unfavorable determination. Any aggrieved applicant shall be afforded an opportunity for a public hearing on the matter within thirty days following issuance of the notice. The department shall reconsider the application based upon the information presented at the public hearing and reaffirm or change its earlier determination within ten days of the hearing. (d) The decision of the department to issue an eligibility certificate or to deny an application for the issuance of an eligibility certificate either upon the expiration of thirty days without a public hearing following an initial unfavorable determination or upon any reconsideration of the application pursuant to subsection (c) of this section is conclusive and final as to the matters thereby decided, and chapter 54 shall not apply to the administrative determinations authorized to be made by this section. (e) Any person who claims a benefit under section 12-217e or subdivisions (59) and (60) of section 12-81 shall notify the department of any change in fact or circumstance which may bear upon the continued qualification as a manufacturing facility or a service facility for which an eligibility certificate has been issued. Upon receipt of such information or upon independent investigation, the department may revoke the eligibility certificate in the manner provided in subsection (c) of this section. (f) The commissioner shall adopt regulations in accordance with chapter 54 to carry out the provisions of this section. Such regulations shall provide that establishments in the category of business services, as defined in the Standard Industrial Classification Manual, shall be eligible for a certificate if they are located in an enterprise zone.

(P.A. 78-357, S. 6, 16; P.A. 81-109, S. 2, 3; P.A. 90-270, S. 21, 38; P.A. 91-354, S. 1; P.A. 95-334, S. 11, 13; P.A. 96-239, S. 13, 17.) \*Note: Section 2 of

public act 93-311 is special in nature and therefore has not been codified, but remains in full force and effect according to its terms.

History: P.A. 81-109 added Subsec. (f) granting commissioner power to adopt regulations; P.A. 90-270 amended Subsec. (a) by clarifying

process for approval of applications for facilities located in targeted investment communities and in enterprise zones; P.A. 91-354 amended

Subsec. (f) to require regulations to specify that business services located in enterprise zones be eligible for a certificate; P.A. 95-334 added

Subdiv. (2) of Subsec. (a), re eligibility certificates for certain entertainment facilities located in municipalities with entertainment districts,

effective July 13, 1995; P.A. 96-239 added references to "service facility" and "qualified service facility" in Subsecs. (a), (b), (c) and (e), effective

July 1, 1996.

## **CHAPTER 585. ENTERPRISE ZONES, ENTERTAINMENT DISTRICTS AND ENTERPRISE CORRIDOR ZONES**

Sec. 32-76. Designation and approval of entertainment district in municipality in which an enterprise zone is located.

Regulations. Enterprise zone benefits for certain entertainment facilities located in municipalities with entertainment districts. (a) On and after January 1, 1997, any municipality in which an enterprise zone designated under section 32-70 is located may designate an entertainment district within the municipality. (b) Upon designation of an entertainment district under subsection (a) of this section, the municipality may apply to the Commissioner of Economic and Community Development for state approval of the designation. The municipality seeking the approval of the Commissioner of Economic and Community Development for the designation of an area of the municipality as an enterprise zone shall file with the commissioner a preliminary application. Not later than sixty days after receipt of such a preliminary application, the commissioner shall indicate to the municipality, in writing, any recommendations for improving the municipality's application. Not later than sixty days after receipt of the commissioner's written response, the municipality shall file a final application with the commissioner. (c) In approving an entertainment district designation, the commissioner shall evaluate the effect of the proposal on the economic development of the municipality, the region and the state, taking into consideration market potential, specific development plans and private commitments in the area. (d) The Commissioner of Economic and Community Development shall adopt regulations in accordance with chapter 54 to implement this section. Such regulations may establish additional criteria for approval of districts, including establishment of a zone size. (e) Any plant, building, other real property improvement, or part thereof, which is located in a municipality with an entertainment district designated and approved under this section or established under section 2 of public act 93-311\*, and which qualifies as a "manufacturing facility" under subsection (d) of section 32-9p in that it is to be used in the production of entertainment products, including multimedia products, or as part of the airing, display or provision of live entertainment for stage or broadcast, including support services such as set manufacturers, scenery makers, sound and video equipment providers and manufacturers, stage and screen writers, providers of capital for the entertainment industry and agents for talent, writers, producers and music properties and technological infrastructure support including, but not limited to, fiber optics, necessary to support multimedia and other entertainment formats, except entertainment provided by or shown at a gambling or gaming facility or a facility whose primary business is the sale or serving of alcoholic beverages, and for which the department has issued an eligibility certificate in accordance with section 32-9r, shall be entitled to the same benefits, subject to the same conditions, under the general statutes for which plants, buildings and other real property improvements located in an enterprise zone qualify.

(P.A. 93-311, S. 1, 8; P.A. 94-247, S. 1, 8; P.A. 95-250, S. 1; 95-334, S. 10, 13; P.A. 96-211, S. 1, 2, 5, 6.)

\*Note: Section 2 of public act 93-311 is

special in nature and therefore has not been codified but remains in full force and effect according to its terms.

History: P.A. 93-311 effective July 1, 1993; P.A. 94-247 amended Subsec. (a) to authorize designation of entertainment districts on and after January 1, 1996, effective June 9, 1994; P.A. 95-250 and P.A. 96-211 replaced Commissioner and Department of Economic Development with Commissioner and Department of Economic and Community Development; P.A. 95-334 amended Subsec. (a) by changing deadline for designation of entertainment districts, from January 1, 1996, to January 1, 1997, and added Subsec. (e) re enterprise zone benefits for certain entertainment facilities located in municipalities with entertainment districts, effective July 13, 1995; P.A. 96-211 inserted "and approved" in reference to entertainment districts in Subsec. (e), effective July 1, 1996.

## **TITLE 47. LAND AND LAND TITLES**

### **CHAPTER 824. INDIANS**

Sec. 47-59a. Connecticut Indians; citizenship, civil rights, land rights.

(a) It is hereby declared the policy of the state of Connecticut to recognize that all resident Indians of qualified Connecticut tribes are considered to be full citizens of the state and they are hereby granted all the rights and privileges afforded by law, that all of Connecticut's citizens enjoy. It is further recognized that said Indians have certain special rights to tribal lands as may have been set forth by treaty or other agreements. (b) The state of Connecticut further recognizes that the indigenous tribes, the Schaghticoke, the Paucatuck Eastern Pequot, the Mashantucket Pequot, the Mohegan and the Golden Hill Paugussett are self-governing entities possessing powers and duties over tribal members and reservations. Such powers and duties include the power to: (1) Determine tribal membership and residency on reservation land; (2) determine the tribal form of government; (3) regulate trade and commerce on the reservation; (4) make contracts, and (5) determine tribal leadership in accordance with tribal practice and usage. (P.A. 73-660, S. 1, 11; P.A. 89-368, S. 16.)

History: P.A. 89-368 added Subsec. (b) giving recognition of powers and duties of indigenous tribes over tribal members and reservations.  
Cited. 176 C. 318, 319. Cited. 180 C. 474, 475, 478. Cited. 217 C. 612, 616. P.A. 89-368 cited. Id. Cited. 231 C. 563, 575. Cited. 18 CA 4, 6.  
Cited. 22 CA 229, 236, 240; judgment reversed and case remanded to appellate court with direction to remand it to trial court for further proceedings, see 217 C. 612 et seq. Subsec. (b): Cited. 231 C. 563, 575.

Sec. 47-59b. Indian Affairs Council; composition, duties, executive director, regulations, report.

(a) There shall continue to be an Indian Affairs Council, consisting of one representative from each of the following Indian tribes: The Schaghticoke, the Paucatuck Eastern Pequot, the Mashantucket Pequot, the Mohegan and the Golden Hill Paugussett; to be appointed by the respective tribes, and three persons appointed by the Governor who are electors within the state but not elected or appointive officials of the state or any of its political subdivisions and are not of Indian lineage. Appointments made under this section shall be for terms of three years. Each Indian tribe may designate from among its members an alternate representative who may serve from time to time in place of its appointive representative. Vacancies on said council shall be filled by the respective appointing authority for the unexpired balance of the term. The members of said council shall be compensated for their services thereon at the rate of

twenty-five dollars per day and shall be reimbursed for their necessary expenses. Said council shall provide services to the Indian reservation community of the state and formulate programs suitable to its needs. The council may select an executive director who shall serve at no expense to the state but may be compensated with funds contributed by the tribes. (b) The Indian Affairs Council shall review the regulations governing Indian affairs in the state of Connecticut and advise the Commissioner of Environmental Protection on promulgation of new regulations. The council shall report annually, no later than September first, to the Governor and the General Assembly on the activities of the council and the state of affairs of the Indian people in the state.

(P.A. 73-660, S. 2, 8, 10, 11; P.A. 74-168, S. 1, 2; P.A. 75-129, S. 1, 2; P.A. 81-375, S. 1, 4; P.A. 89-368, S. 20; P.A. 93-435, S. 16, 95.)

History: P.A. 74-168 continued existence of council, added representative from Golden Hill tribe and allowed compensation of twenty-five

dollars per day where previously members received no compensation but were reimbursed for necessary expenses; P.A. 75-129 authorized tribes

to designate alternate representatives; P.A. 81-375 amended Subsec. (a) to change names of tribes as of July 1, 1981; P.A. 89-368 amended

Subsec. (a) by substituting "Paucatuck Eastern Pequot" for "Paucatuck Pequot" and by deleting an obsolete provision" concerning terms and

deleted Subsec. (b) re qualifications necessary for a person's designation as an Indian and re eligibility for residing on reservation lands and

relettered Subsec. (c) as Subsec. (b); P.A. 93-435 amended Subsec. (b) to make a technical change, effective June 28, 1993.

See Sec. 47-65 re management of reservations and reservation residents and re duties of Commissioner of Environmental Protection in connection with reservation management.

The Indian Affairs Council is an "agency" within the meaning of Sec. 4-166(1) and is subject to the provisions of the Uniform Administrative

Procedure Act. 180 C. 474, 475, 478, 479. Cited. 22 CA 229, 236; judgment reversed and case remanded to appellate court with direction to

remand it to trial court for further proceedings, see 217 C. 612 et seq. Subsec. (a): Cited 18 CA 4, 6.

#### Sec. 47-60. Reservation land held in trust by state.

Conveyances by Indians void. (a) Any reservation land held in trust by the state on October 1, 1989, shall continue to be held in trust in perpetuity to prevent alienation and to insure its availability for future generations of Indians. Except as otherwise expressly provided, all conveyances by any Indian of any land belonging to, or which has belonged to, the estate of any tribe shall be void. (b) A tribe shall exercise on reservation land all rights incident to ownership except the power of alienation.

(1949 Rev., S. 7169; P.A. 89-368, S. 21.)

History: P.A. 89-368 amended Subsec. (a) specifying that reservation land held in trust by the state shall continue to be held in trust and added

Subsec. (b) re exercise of rights to tribal reservation land.

A prescriptive right-of-way cannot exist over lands, the conveyance of which is forbidden by law. 51 C. 71. Cited. 180 C. 474, 475, 478.

Cited. 22 CA 229, 236; judgment reversed and case remanded to appellate court with direction to remand it to trial court for further

proceedings, see 217 C. 612 et seq.

#### Sec. 47-61. No title by possession against an Indian.

In any action brought by an Indian or Indians for the recovery of lands owned by Indians, or sequestered

for their use by the General Assembly or by any town agreeably to law, the defendant shall not plead the statute of limitations, except as against an Indian or Indians authorized by law to convey Indian lands, or as against a town authorized by law to convey Indian lands.

(1949 Rev., S. 7170.)

Cited. 180 C. 474, 475. Cited. 22 CA 229, 236; judgment reversed and case remanded to appellate court with direction to remand it to trial

court for further proceedings, see 217 C. 612 et seq.

#### Sec. 47-62. Taking wood from land of Indian.

Section 47-62 is repealed.

(1949 Rev., S. 7171; 1961, P.A. 304, S. 6.)

See Sec. 47-66 authorizing commissioner of environmental protection to maintain an action to recover property misappropriated from a reservation.

#### Sec. 47-63. Definitions.

The following terms as used in this chapter, shall have the following meanings: "Indian" means a person who is a member of any of the following tribes, Paucatuck Eastern Pequot, Mashantucket Pequot, Schaghticoke, Golden Hill Paugussett and Mohegan; "reservation" means the Paucatuck Eastern Pequot reservation in the town of North Stonington, assigned to the use of the Paucatuck Eastern Pequot tribe; the Golden Hill Paugussett reservations in the towns of Trumbull and Colchester, assigned to the Golden Hill Paugussett tribe; the Schaghticoke reservation in the town of Kent, assigned to the Schaghticoke tribe, and the Mashantucket Pequot reservation in the town of Ledyard, assigned to the Mashantucket Pequot tribe; "tribal funds" means the money held by the state for the use and benefit of a tribe as distinguished from legislative appropriations.

(1961, P.A. 304, S. 1; P.A. 73-660, S. 9, 11; P.A. 81-375, S. 2, 4; P.A. 89-368, S. 22.)

History: P.A. 73-660 redefined "Indian" to list specific tribes, replacing reference to persons of tribes "for whose use any reservation was set out"; P.A. 81-375 amended section to change names of tribes and to add reference to Colchester reservation as of July 1, 1981; P.A. 89-368 made technical changes.

Cited. 180 C. 474, 475. State acquired jurisdiction over crimes committed on the Mashantucket Pequot Indian reservation by enactment of

Sec. 1755 of title 25 of the U.S. Code; judgment of appellate court in State v. Spears, 36 CA 106, reversed. 234 C. 78, 84. Cited. 22 CA 229,

236, 240; judgment reversed and case remanded to appellate court with direction to remand it to trial court for further proceedings, see 217

C. 612 et seq.

#### Sec. 47-64. Use of reservations; restriction of leases; escheats.

(a) Each tribe shall determine who may live on reservation land provided any person lawfully residing on a reservation on October 1, 1989, may continue to reside on such reservation. Residents may be removed in accordance with rules filed under section 47-66j. (b) Each tribe may lease reservation land for not more than twenty-five years. (c) Notwithstanding any provision of the general statutes or any special act to the contrary, any Indian reservation property that escheats to the state shall be preserved as an Indian historical area, under the control of the Department of Environmental Protection.

(1961, P.A. 304, S. 2, 3; P.A. 73-660, S. 3, 6, 11; P.A. 89-368, S. 23.)

History: P.A. 73-660 changed applicable dates from July 1, 1961, to July 1, 1973, added provision in Subsec. (a) re reimbursement for spouse or children who no longer qualify to reside on reservation following death of their relative and deleted provisions which placed burden of proving residency eligibility on claimant and re welfare commissioner's regulation of times when Indians, descendants and guests may use reservation for recreational and social purposes, in Subsec. (b) replaced welfare commissioner with Indian Affairs Council and added Subsec. (c); P.A. 89-368 amended Subsec. (a) to authorize tribes to determine who may reside on reservation land and amended Subsec. (b) to delete prohibition against leasing and to authorize tribes to lease reservation land for not more than twenty-five years. Cited. 180 C. 474, 475, 478, 479. Preempted and rendered invalid by federal law. 22 CA 229, 236, 246; judgment reversed and case remanded to appellate court with direction to remand it to trial court for further proceedings, see 217 C. 612 et seq.

### Sec. 47-65. Management of reservations and residents thereon.

Adoption of regulations. Governor designated administrative agent. (a) The Commissioner of Environmental Protection with the advice of the Indian Affairs Council shall have the care and management of reservation lands. The commissioner and the council shall establish the boundaries of such reservations by land survey and shall file a map of the same in the land records of the appropriate towns. (b) All reservation buildings not privately owned shall be subject to the care and management of the Commissioner of Environmental Protection. The commissioner with the advice of the Indian Affairs Council shall, upon the petition of the resident make major repairs and improvements to the exterior of any such building and its heating, water, electric, sewage disposal and plumbing systems as are necessary to insure habitable living conditions. The resident of any building shall assume responsibility for the interior maintenance of floors, walls and ceilings and minor maintenance of the building and its heating, water, electric, sewage disposal and plumbing systems, provided the commissioner shall supply necessary materials for such systems. (c) The council may, upon petition of an Indian resident without sufficient means to support himself, provide assistance in an amount necessary to maintain a standard of living in the home compatible with the well-being of the resident. The council shall provide other services as it deems necessary to insure the well-being of all persons residing on the reservations. (d) The commissioner and the council may adopt and amend regulations pursuant to chapter 54 to carry out the provisions of subsections (a) and (b) of this section. The council shall adopt regulations which prescribe eligibility standards for assistance and services under subsection (c) of this section. (e) The Governor is hereby designated the administrative agent of the state to apply for any funds or other aid, cooperate and enter into contracts and agreements with the federal government, the Indian Housing Authority or any other appropriate state or local agency for the purpose of providing necessary services to housing projects to be located on Indian reservations within the state of Connecticut or for any other purpose which the Congress of the United States or the General Assembly has authorized or may authorize for expenditures compatible with the services provided for in this chapter. The Governor is authorized in the name of the state to make all applications, sign all documents, give assurances and do all other things necessary to carry out the provisions of this chapter.

(1961, P.A. 304, S. 4; P.A. 73-660, S. 4, 11; P.A. 76-97, S. 1, 2; P.A. 78-40, S. 1, 2.)

History: P.A. 73-660 transferred duties of welfare commissioner re care of land, buildings, boundaries and regulations to insure health, safety and well-being to commissioner of environmental protection and Indian Affairs Council, deleting provisions re welfare commissioner's past duties to assist needy Indians, repair and improve buildings, to admit and evict residents, etc.; P.A. 76-97 limited duties of commissioner and

council to reservation lands, abolishing their powers re "care and management" of persons, etc. and added Subsecs. (b) to (d) clarifying general statements of prior provisions; P.A. 78-40 added Subsec. (e) re governor's role in obtaining federal assistance for housing projects on reservations.

Cited. 180 C. 474, 475, 478-480. Cited. 217 C. 612, 616, 621, 625, 630, 631. Preempted and rendered invalid by federal law. 22 CA 229, 236, 237, 244, 246; judgment reversed and case remanded to appellate court with direction to remand it to trial court for further proceedings, see 217 C. 612 et seq. Subsec. (a): Cited. 217 C. 612, 616. Cited. 22 CA 229, 230; judgment reversed and case remanded to appellate court with direction to remand it to trial court for further proceedings, see 217 C. 612 et seq.

#### Sec. 47-65a. Hunting and fishing on reservations.

Notwithstanding the provisions of section 26-27, any Indian may take, hunt or trap any wild bird or quadruped on, or take or assist in taking any fish or bait species in the waters of the reservation of his tribe without a license therefor, subject to the regulations promulgated by the council and to such seasonal and bag limitations as may be provided by law.

(P.A. 73-660, S. 7, 11.)

Cited. 180 C. 474, 475, 480.

#### Sec. 47-65b. State assumption of criminal and civil jurisdiction on reservation of the Mohegan Tribe of Indians.

The state of Connecticut assumes criminal jurisdiction and civil regulatory jurisdiction pursuant to the May 17, 1994, Agreement and the May 17, 1994, Gaming Compact between the state of Connecticut and the Mohegan Tribe of Indians of Connecticut and Public Law 103-377.

(P.A. 96-142, S. 1, 4.)

History: P.A. 96-142 effective May 29, 1996.

#### Sec. 47-66. Tribal funds.

Tribal funds shall be under the care and control of the Commissioner of Environmental Protection with the advice of the Indian Affairs Council and may be used for the purposes set forth in section 47-65. Said commissioner shall annually settle his accounts of the affairs of each tribe with the Comptroller, and his report to the Governor shall furnish, with respect to each tribe, a statement of the amount and condition of its fund, an estimate of the value of its lands and the income annually received and the expenditures made by said commissioner from such fund. Said commissioner may maintain an action in his name to recover any property misappropriated from a reservation.

(1961, P.A. 304, S. 5; P.A. 73-660, S. 5, 11.)

History: P.A. 73-660 placed funds under control of environmental protection commissioner and Indian Affairs Council rather than under control of welfare commissioner.

Cited. 176 C. 318, 319. Cited. 180 C. 474, 475, 479. Cited. 217 C. 612, 616, 617. Preempted and rendered invalid by federal law. 22 CA 229,

236, 246; judgment reversed and case remanded to appellate court with direction to remand it to trial court for further proceedings, see 217

C. 612 et seq.

#### Sec. 47-66a. Indian housing authorities.

Creation and powers. There is created, with respect to each Indian tribe named in section 47-63, a public body corporate and politic, to be known as the "housing authority" of said Indian tribe possessing all powers, rights and functions specified for municipal authorities created pursuant to chapter 128, provided said Indian housing authority shall not transact any business nor exercise its powers hereunder until or unless the governing council of said tribe, by proper resolution declares that there is a need for an authority to function for said tribe. Except as otherwise provided in sections 47-66a to 47-66d, inclusive, all the provisions of law applicable to housing authorities created for municipalities and the commissioners of such authorities shall be applicable to Indian housing authorities and the commissioners thereof, unless a different meaning clearly appears from the context. The chief or other governing head and governing council of an Indian tribe are hereby authorized to exercise all appointing and other powers with respect to an Indian housing authority that are vested under part I of said chapter 128, in the chief executive officer and governing body of a municipality. The Indian housing authorities shall be operated in conformity with Title II of the Civil Rights Act of 1968.

(P.A. 76-377, S. 1.)

Cited. 180 C. 474, 475.

#### Sec. 47-66b. Commissioners.

The chief or other governing head shall appoint five commissioners who shall be members of the tribe for which the authority is created. Holding of any tribal office shall not bar appointment of any such tribal member to a tribal housing authority. No person shall be barred from serving as a commissioner because he is a tenant or home buyer in a tribal housing project.

(P.A. 76-377, S. 2.)

Cited. 180 C. 474, 475.

#### Sec. 47-66c. Area of operation.

The area of operation of a tribal housing authority shall be within the territorial boundaries of the reservation set aside for the tribe as specified in section 47-63.

(P.A. 76-377, S. 3.)

Cited. 180 C. 474, 475.

#### Sec. 47-66d. Lease of tribal property to housing authority.

Notwithstanding the provisions of subsection (b) of section 47-64, any real property located on an Indian reservation, as defined in section 47-63, required by a tribal authority for use in its area of operation in providing housing shall be leased to the housing authority by the respective tribal governing body with the approval of the Commissioner of Environmental Protection, upon such lawful terms as shall be agreeable to the parties.

(P.A. 76-377, S. 4.)

History: In 1997 the words "the Department of" in the phrase "Commissioner of the Department of Environmental Protection" were deleted

editorially by the Revisors for consistency with customary statutory usage.

Cited. 180 C. 474, 475.

Secs. 47-66e and 47-66f. Indian burial sites; inventory of state land.

Excavation of Indian burial sites; notice, removal and reinterment of remains. Sections 47-66e and 47-66f are repealed.

(P.A. 81-242, S. 13; P.A. 89-368, S. 29, 30.)

Sec. 47-66g. Management of Indian affairs.

The Commissioner of Environmental Protection with the advice of the Indian Affairs Council shall manage the state's interest in Indian affairs not otherwise specified in this chapter, including but not limited to, maintaining state documents, providing information to tribal members and coordinating governmental grant programs.

(P.A. 82-178.)

Preempted and rendered invalid by federal law. 22 CA 229, 246; judgment reversed and case remanded to appellate court with direction to remand it to trial court for further proceedings, see 217 C. 612 et seq.

Sec. 47-66h. Trust agreements between Governor and willing indigenous tribes.

(a) Effective October 1, 1990, the Governor shall enter into a trust agreement with each willing indigenous Indian tribe. Any such trust agreement shall define the powers and duties possessed by the tribe that is party to the agreement and shall be consistent with recommendations on trust agreements contained in the final report of the Indian Affairs Task Force made pursuant to special act 87-103. (b) Nothing in this chapter shall be construed to confer tribal status under federal law on the indigenous tribes named in section 47-59a or to confer additional rights of ownership and title to such tribes to land in the state which was not held in trust for such tribes on June 1, 1989.

(P.A. 89-368, S. 17.)

Sec. 47-66i. Method of selecting tribal leaders.

Disputes. (a) Each tribal leader shall file with the Governor his name and a written description of the method of selecting tribal leaders and the process by which tribal leaders exercise their authority. The Governor shall file such description with the Secretary of the State and the Indian Affairs Council established under section 47-59b. (b) A leadership dispute shall be resolved in accordance with tribal usage and practice. Upon request of a party to a dispute, the dispute may be settled by a council. Each party to the dispute shall appoint a member to the council and the parties shall jointly appoint one or two additional members provided the number of members of the council shall be an odd number. If the parties cannot agree on any joint appointment, the Governor shall appoint any such member who shall be a person knowledgeable in Indian affairs. The decision of the council shall be final on substantive issues. An appeal may be taken to the Superior Court to determine if provisions of the written description filed with the Secretary of the State pursuant to this section have been followed. If the court finds that the dispute was not resolved in accordance with the provisions of the written description, it shall remand the matter with instructions to reinstitute proceedings, in accordance with such provisions.

(P.A. 89-368, S. 18.)

Cited. 231 C. 563, 564, 567, 569, 578582. Subsec. (b): Cited. 231 C. 563, 579.

#### Sec. 47-66j. Rules for tribal membership.

(a) On or before March 15, 1990, and annually thereafter, the tribal leader selected in accordance with the method filed under section 47-66i shall file a copy of the rules for tribal membership and government and a current membership roll with the Governor. The membership rules may include provisions for revocation of membership. The Governor shall file the rules and membership roll with the Secretary of the State and the Indian Affairs Council established under section 47-59b. (b) A membership dispute shall be resolved in accordance with tribal usage and practice. Upon request of a party to a dispute, the dispute may be settled by a council. Each party to the dispute shall appoint a member of the council and the parties shall jointly appoint one or two additional members provided the number of members of the council shall be an odd number. If the parties cannot agree on any joint appointment, the Governor shall appoint such member who shall be a person knowledgeable in Indian affairs. The decision of the council shall be final on substantive issues but an appeal may be taken to the Superior Court to determine if membership rules filed in the office of the Secretary of the State pursuant to this section have been followed. If the court finds that the dispute was not resolved in accordance with the provisions of the written description, it shall remand the matter with instructions to reinstitute proceedings, in accordance with such provisions. (P.A. 89-368, S. 19.)

#### Sec. 47a-31. (Formerly Sec. 52-539). Illegal use of premises voids lease.

When the lessee or tenant of any house, room, tenement or dwelling unit is convicted of keeping a house of ill-fame therein, resorted to for the purpose of prostitution or lewdness, or of a violation therein of any law against gaming, the lease, contract or rental agreement for letting such house, room, tenement or dwelling unit shall thereupon be void; and the lessor may recover possession of the premises in the manner prescribed in this chapter, but notice to quit possession shall not be required.

(1949 Rev., S. 8281; P.A. 79-571, S. 50.)

History: Sec. 52-539 transferred to Sec. 47a-31 in 1977; P.A. 79-571 added references to dwelling units and rental agreements and rephrased provisions.

See Sec. 53a-89 re penalty for using premises for prostitution purposes.

Annotations to former Sec. 52-539: Duty of landlord in order to avoid penalty imposed by municipal ordinance. 33 C. 93. Lease for use as

place for illegal sale of intoxicating liquors. 102 C. 346. Section is not applicable without a conviction. 135 C. 364. Conviction of officers of

corporation is not a conviction of the corporation so as to sustain a summary process action. 136 C. 156.

Annotations to present section:

Cited. 38 CS 70, 78, 80.

#### Sec. 47a-32. (Formerly Sec. 52-540). Nuisance defined.

In any action of summary process based upon nuisance, that term shall be taken to include, but shall not be limited to, any conduct which interferes substantially with the comfort or safety of other tenants or occupants of the same or adjacent buildings or structures.

(1949, S. 3214d.)

History: Sec. 52-540 transferred to Sec. 47a-32 in 1977.

Cited. 38 CS 70, 78, 80.

Sec. 51-279b. Racketeering unit.

Bond forfeiture unit. Standards for compromise and settlement of forfeited bonds. Allocation of funds to budget of division. (a) The Chief State's Attorney shall establish a racketeering and continuing criminal activities unit within the Division of Criminal Justice. Such unit shall be available for the investigation and prosecution of criminal matters including, but not limited to, the illegal purchase and sale of controlled substances, criminal activity by gangs, fraud, corruption, illegal gambling and the recruitment of persons to carry out such illegal activities. (b) The Chief State's Attorney shall establish a bond forfeiture unit within the Division of Criminal Justice. Such unit shall be responsible for the collection, in the name of the state, and by suit when necessary, of all forfeited bonds payable to the state. Such unit may compromise and settle forfeited bonds for less than the amount thereof without regard to the expiration of any stay of forfeiture. (c) The Chief State's Attorney shall develop uniform standards for the compromise and settlement of forfeited bonds. Such standards shall be applied on a state-wide basis. (d) One-third of all funds collected as forfeited bonds shall be allocated to the budget of the Division of Criminal Justice for purposes of providing staff for the collection of forfeited bonds, for the investigation and prosecution of vendor fraud in programs operated by the Department of Social Services and for the investigation and apprehension of persons charged with a violation of section 53a-172 or 53a-173. (e) For the fiscal year commencing July 1, 1995, and each fiscal year thereafter, one hundred thousand dollars of all funds collected as forfeited bonds shall be allocated to the budget of the Division of Criminal Justice for the witness protection program.

(P.A. 94-164, S. 13, 8; P.A. 96-169, S. 18.)

History: P.A. 96-169 amended Subsec. (d) to add the investigation and prosecution of vendor fraud in programs operated by the Department of

Social Services as a purpose of the allocation of forfeited bonds (Revisor's Note: The word "for" was added editorially before new language to conform added material to existing language).

## **TITLE 52. CIVIL ACTIONS**

### **CHAPTER 924. WAGERING CONTRACTS**

Sec. 52-553. Wagering contract void.

All wagers, and all contracts and securities whereof the whole or any part of the consideration is money or other valuable thing won, laid or bet, at any game, horse race, sport or pastime, and all contracts to repay any money knowingly lent at the time and place of such game, race, sport or pastime, to any person so gaming, betting or wagering, or to repay any money lent to any person who, at such time and place, so pays, bets or wagers, shall be void, provided nothing herein contained shall affect the validity of any negotiable instrument held by any person who acquired the same for value and in good faith without notice of illegality in the consideration.

(1949 Rev., S. 6785.)

A wager is illegal at common law. 15 C. 30. All wagering contracts are void by statute and money deposited with stakeholder is recoverable.

Id., 40 C. 336; 49 C. 128; 70 C. 490. What constitutes gaming contract in margin transactions in stocks; distinguished from speculating

contracts. 48 C. 127; 63 C. 198. Contract of insurance upon another's life may amount to mere wagering contract. 69 C. 511; 70 C. 647.

Speculative stock transactions, where there is an option to demand delivery. 77 C. 508; id., 518; 84 C. 694. Cited. 63 C. 198; 125 C. 120.

See note to section 52-554. Gambling on credit is the vice at which this statute and Sec. 52-554 are particularly directed. 189 C. 591593,

595598. Where plaintiff sued to recover indebtedness from defendants, which claim arose from winnings from a bet made in violation of section 53-298, held the court will not aid party to an illegal contract in enforcing his claim and, since all the parties were in pari delicto, judgment should be rendered for the defendants. 26 CS 238. Cited. 33 CS 170. Cited. 35 CS 522, 528. Cited. 6 Conn. Cir. Ct. 682.

#### Sec. 52-554. Recovery of money lost in gaming.

Any person who, by playing at any game, or betting on the sides or hands of such as play at any game, excluding any game permitted under chapter 226 or any activity not prohibited under the provisions of sections 53-278a to 53-278g, inclusive, loses the sum or value of one dollar in the whole and pays or delivers the same or any part thereof, may, within three months next following, recover from the winner the money or the value of the goods so lost and paid or delivered, with costs of suit in a civil action, without setting forth the special matter in his complaint. If the defendant refuses to testify, if called upon in such action, relative to the discovery of the property so won, he shall be defaulted; but no evidence so given by him shall be offered against him in any criminal prosecution.

(1949 Rev., S. 6786; P.A. 81-16, S. 1, 2.)

History: P.A. 81-16 specifically excluded games permitted under chapter 226 or any activity not prohibited under sections 53-278a to 53-278g, inclusive.

Money wagered is recoverable from stakeholder. 15 C. 31; 40 C. 336. Under former statute a negotiable check given by the stakeholder to the winner for the amount wagered was void even in the hands of a bona fide holder. 36 C. 463. Legislation re gaming reviewed. 70 C. 490.

This statute embraces all events mentioned in section 52-553; allows recovery of money lost and paid in bet on a horse race. 100 C. 545. Not

necessary to state details of bets in complaint. 125 C. 116. No credit for bets won by defendant. Id., 121.

Claim for share of fund increased by

betting in Rhode Island, though valid there, contravenes our public policy and cannot be enforced in our courts. 134 C. 52. Gambling on

credit is the vice at which this statute and Sec. 52-553 are particularly directed. 189 C. 591, 598. Cited. 33 CS 170. Statute does not extend

to legalized gambling authorized by Sec. 12-557 et seq. 37 CS 8890.

## **TITLE 53. CRIMES**

### **CHAPTER 946. OFFENSES AGAINST PUBLIC POLICY**

#### Sec. 53-278a. Gambling: Definitions.

As used in sections 53-278a to 53-278g, inclusive: (1) "Gain" means the direct realization of winnings; "profit" means any other realized or unrealized benefit, direct or indirect, including without limitation benefits from proprietorship, management or unequal advantage in a series of transactions; (2)

"Gambling" means risking any money, credit, deposit or other thing of value for gain contingent in whole or in part upon lot, chance or the operation of a gambling device, but does not include: Legal contests of skill, speed, strength or endurance in which awards are made only to entrants or the owners of entries; legal business transactions which are valid under the law of contracts; activity legal under the provisions of sections 7-169 to 7-186l, inclusive; any lottery or contest conducted by or under the authority of any state of the United States, Commonwealth of Puerto Rico or any possession or territory of the United States; and other acts or transactions expressly authorized by law on or after October 1, 1973; (3) "Professional

gambling" means accepting or offering to accept, for profit, money, credits, deposits or other things of value risked in gambling, or any claim thereon or interest therein. Without limiting the generality of this definition, the following shall be included: Pool-selling and bookmaking; maintaining slot machines, one-ball machines or variants thereof, pinball machines, which award anything other than an immediate and unrecorded right of replay, roulette wheels, dice tables, or money or merchandise pushcards, punchboards, jars or spindles, in any place accessible to the public; and except as provided in sections 7-169 to 7-186l, inclusive, conducting lotteries, gift enterprises, disposal or sale of property by lottery or hazard or policy or numbers games, or selling chances therein; and the following shall be presumed to be included: Conducting any banking game played with cards, dice or counters, or accepting any fixed share of the stakes therein; (4) "Gambling device" means any device or mechanism by the operation of which a right to money, credits, deposits or other things of value may be created, as the result of the operation of an element of chance; any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; any device, mechanism, furniture or fixture designed primarily for use in connection with professional gambling; and any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation, provided an immediate and unrecorded right of replay mechanically conferred on players of pinball machines and similar amusement devices shall be presumed to be without value. "Gambling device" does not include a crane game machine or device or a redemption machine; (5) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling; (6) "Gambling information" means a communication with respect to any wager made in the course of, and any information intended to be used for, professional gambling. Information as to wagers, betting odds or changes in betting odds shall be presumed to be intended for use in professional gambling; (7) "Gambling premise" means any building, room, enclosure, vehicle, vessel or other place, whether open or enclosed, used or intended to be used for professional gambling. Any place where a gambling device is found shall be presumed to be intended to be used for professional gambling, except a place wherein a bazaar or raffle for which a permit has been issued under sections 7-170 to 7-186, inclusive, or bingo for which a permit has been issued under section 7-169 or games of chance for which a permit has been issued under sections 7-186a to 7-186l, inclusive, is to be conducted; (8) "Person" includes natural persons, partnerships, limited liability companies and associations of persons, and corporations; and any corporate officer, director or stockholder who authorizes, participates in or knowingly accepts benefits from any violation of sections 53-278a to 53-278g, inclusive, committed by his corporation; (9) "Peace officer" means a municipal or state police officer, sheriff, deputy sheriff or chief inspector or inspector in the Division of Criminal Justice; (10) "Court" means the Superior Court; (11) "Crane game machine or device" means a machine or device (A) that is designed and manufactured only for bona fide amusement purposes and involves at least some skill in its operation, (B) that rewards a winning player exclusively with merchandise contained within the machine or device and such merchandise is limited to noncash prizes, toys or novelties each of which has a wholesale value not exceeding ten dollars or ten times the cost of playing the machine or device, whichever is less, (C) the player of which is able to control the timing of the use of the claw or grasping device to attempt to pick up or grasp a prize, toy or novelty, (D) the player of which is made aware of any time restrictions that the machine or device imposes on the player to maneuver the claw or grasping device into a position to attempt to pick up or grasp a prize, toy or novelty, and (E) the claw or grasping device of which is not of a size, design or shape that prohibits the picking up or grasping of a prize, toy or novelty contained within the machine or device; (12) "Redemption machine" means an amusement device operated by one or more players that involves a game the object of which is throwing, rolling, bowling, shooting, placing or propelling a ball or other object into, upon or against a hole or other target and that rewards the player or players with tickets, tokens or other noncash representations of value redeemable for merchandise prizes, provided (A) the outcome of the game is predominantly determined by the skill of the player, (B) the award of tickets, tokens or other noncash representations of value is based solely on the player's achieving the object of the game or on the player's score, (C) only merchandise prizes are awarded, (D) the average wholesale value of the prizes awarded in lieu of tickets or tokens for a single play of the machine does not exceed ten dollars or ten times the cost of a single play of the machine, whichever is less, and (E) the redemption value of each ticket, token or other noncash representation of value that may be accumulated by a player or players to redeem prizes of greater value does not exceed the cost of a single play of the machine.

(P.A. 73-455, S. 1; P.A. 74-183, S. 172, 291; 74-191, S. 1, 2; P.A. 75-567, S. 70, 80; P.A. 76-111, S. 4; 76-436, S. 152, 681; P.A. 95-61; 95-79, S. 178, 189.)

History: P.A. 74-183 redefined "court" as court of common pleas rather than circuit court, reflecting reorganization of judicial system, effective December 31, 1974; P.A. 74-191 redefined "gambling" to exclude lotteries or contests under authority of the "Commonwealth of Puerto Rico or any possession or territory of the United States" and to substitute Sec. 7-186l for Sec. 7-186; P.A. 75-567 replaced "county" detectives with detectives in the division of criminal justice in definition of "peace officer", county government having been abolished in 1959; P.A. 76-111 redefined "peace officer" to replace detectives with chief inspectors or inspectors of criminal justice division; P.A. 76-436 redefined "court" to delete court of common pleas, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; in 1993 references in Subdivs. (3) and (7) to Sec. 7-186m were replaced editorially by references to Sec. 7-186l, Sec. 7-186m having been repealed; P.A. 95-61 amended Subdiv. (4) to exempt "crane game machine or device" and "redemption machine" from definition of "gambling device" and added Subdivs. (11) and (12) defining those terms; P.A. 95-79 redefined "person" to include limited liability companies, effective May 31, 1995.

See Secs. 52-553, 52-554 re wagering contracts and recovery of money lost in gaming.

Annotations to former section 53-271 (Betting on races and jai alai games): Cited. 100 C. 543; 125 C. 121; 126 C. 432; 151 C. 537. Whether

articles used in violating this section could be seized under former section 54-33, 126 C. 432. History of section; expresses an ancient and deep-rooted public policy. 134 C. 55, 56. Cited. 23 CS 14. Annotation to former section 53-272 (Gaming on public conveyances): Cited. 124

C. 164. Annotations to former section 52-273 (Gaming house; keepers; frequenters): Policy playing held to be gaming within the terms of statute. 60 C. 102; 63 C. 250. The place must be or have the reputation of being actually resorted to for that purpose. 63 C. 250. Cited. 124

C. 164; 152 C. 716. Use must be frequent, customary, common or habitual, and a single act of gaming is insufficient to prove a violation. 128

C. 149. Evidence of general reputation of place and judicial notice of prior convictions of defendant sufficient for finding of guilt of keeper of gaming house. 2 Conn. Cir. Ct. 256. Information clearly informed defendant of charge when it specifically charged him with "keeping a gaming house", and he was denied bill of particulars. 5 Conn. Cir. Ct. 78. Annotation to former section 53-274 (Frequenters defined): Cited.

5 Conn. Cir. Ct. 78; 244. Annotation to former section 53-275 (Owning faro bank): Cited. 5 Conn. Cir. Ct. 468. Annotations to former

section 53-277 (Gaming in general): Cited. 124 C. 164. As to whether articles used in violating this section could be seized under former

section 54-33. 126 C. 432. Annotations to former section 53-278 (Keeping billiard table or slot machine for gambling purposes): Whether

articles used in violating this section could be seized under former section 54-33. 126 C. 432. A coin-operated pinball machine which is

designed to provide free plays upon the scoring of certain numbers or combination of numbers is a gaming device. 147 C. 444. Pinball

machine is not a gambling device per se. 3 CS 374; 19 CS 500. Pinball machines are used for gambling purposes when operational features,

such as counters recording number of games and credits, exist, when use of skill is minimal compared with element of chance in attaining a

high score, and where a payoff is made to reward a high score. 3 Conn. Cir. Ct. 598, 600, 601. Annotations to former section 53-290

(Lotteries prohibited; publication of promotional drawing): The law will not enforce a title to property growing out of a lottery transaction. 19 C. 432; 49 C. 128. Prohibits not merely lotteries, but also enterprises wherein chance is predominating element even though participants risk nothing; "bank night" illegal. 124 C. 160. History of this section. Id., 167. Applies to enterprises in the general nature of lotteries wherein chance is the predominating element even though those who participate do not directly risk any money or property of their own. 142 C. 53. The word "lottery" does not appear in the statute and it is immaterial to the violation of the statute whether the accused conducted a "lottery." 5 CS 178. "Bank night" held to be a lottery. Id., 378. Theatrical promotion scheme held a lottery though person whose lucky number was drawn is not required to pay admission. 6 CS 463. Where plaintiff sued to recover indebtedness from defendants, which claim arose from winnings from a bet made in violation of section 53-298, held the court will not aid party to an illegal contract in enforcing his claim and, since all the parties were in pari delicto, judgment should be rendered for the defendants. 26 CS 238. Supermarket not a "retail grocer" within intent of statute and not barred from conducting promotional drawing. 3 Conn. Cir. Ct. 674. History discussed. Id. Annotations to former section 53-291 (Sale of property by lottery): Cited. 142 C. 55. Cited. 5 CS 377. Annotations to former section 53-292 (Property disposed of by hazard): Cited. 124 C. 164; 142 C. 55. Cited. 5 CS 377. Annotations to former section 53-293 (Lottery tickets not to be sold): Applies to lottery authorized by congress or by other states. 4 C. 445; 28 C. 228. Immaterial whether tickets are to be procured within this state or in the state where authorized. 28 C. 228. Provisions of section held constitutional. Id., 70 C. 484. What publication held not a "printed proposal" to sell lottery tickets. 28 C. 229. Court will render no aid to recover title to property won in a lottery. 49 C. 128. History of this section. 68 C. 376. Counts in information. 66 C. 250. Cited. 142 C. 55. Cited. 4 Conn. Cir. Ct. 502. Annotations to former section 53-295 (Pool selling): What allegations proper. 66 C. 256. This section does not violate provision of federal constitution de interstate commerce. 70 C. 484; See 28 C. 228. One who supplies facilities for pool-selling with knowledge is guilty. 80 C. 319. Whether articles used in violating this section may be seized under former section 54-33. 126 C. 432. Proof required; not necessary to prove actual making of bets. 129 C. 540. The making or the recording or the registering of wagers is punishable. 133 C. 604, 605. As to conspiracy to gamble, see 134 C. 185. Articles which ordinarily serve other purposes may be found to be devices and apparatus for gaming purposes if they are reasonably adapted to, and at the time in question are intended and actually used for, those purposes. 136 C. 210; 153 C. 12. Defense of entrapment may be asserted under a not guilty plea. 139 C. 1. Distinction between pool selling and policy playing. 147 C. 426. A finding of not guilty on prosecution for policy playing does not preclude prosecution for pool selling. Id. Cited. 149 C. 570, 576; 150 C. 221, 228, 229; 151 C. 455; 152 C. 167. Evidence consisting of officers' testimony regarding telephone calls taken by them at home of defendant does not fall within hearsay rule since it is offered not to prove the statements made in them were true but as evidence of betting activity. 153 C. 12. Cited. 163 C. 231; Id., 234. Cited. 165 C. 239. Cited. 22 CS 443; 24 CS 70. To constitute a violation of this section, the actual making of bets is not required. 22 CS 507. Proof of a single wager, without further facts and circumstances indicative of pool selling,

is insufficient to establish a violation. 23 CS 13. Section is directed against that form of pool-gambling which includes bets on results of horse races and other specified events. 24 CS 251. Section reaches anyone "concerned" with prohibited act, whether through part performance of it or by use of an accomplice. *Id.* Where issue of entrapment may be matter of disagreement, question should be determined by jury. 2 Conn. Cir. Ct. 130. Pool selling generally is concerned with the combination of bets or wagers from several persons on the same event, the total sum to be divided among the successful bettors. *Id.*, 133. Crime of conspiracy is separate offense and does not merge in the act which is executed in furtherance of the conspiracy. An information charging defendants with conspiracy should set forth the conspiracy statute. 3 Conn. Cir. Ct. 50, 51. Cited. 1 Conn. Cir. Ct. 177; *id.*, 534; 3 Conn. Cir. Ct. 96; *id.*, 103; *id.*, 235; *id.*, 641; 4 Conn. Cir. Ct. 422. Proof of presence of gambling paraphernalia and betting tally sheets and telephone call from bettor to defendant occupant, sufficient to convict defendant under this statute. 4 Conn. Cir. Ct. 550. Evidence presented below was sufficient for trial court to find beyond reasonable doubt that defendant used his name for pool selling in violation of this statute. *Id.*, 604. Cited. 5 Conn. Cir. Ct. 54. Sentence of nine months held not excessive where defendant had record of former convictions, plea to consider his poor health being one for clemency over which appellate court has no jurisdiction. *Id.*, 269. Appellate division will not open question of constitutionality of this statute long upheld by supreme court. *Id.*, 551. Telephone calls of bets during raid of betting premises may be testified to by police officer intercepting them. *Id.* That pertinent portions only of this statute were read to jury in judge's charge was proper judicial procedure. Phrase "concerned in" as used in this section and section 53-298 discussed. 6 Conn. Cir. Ct. 170, 172. Nothing so vague or ambiguous about language of statute as to violate constitution, and no evidence of invasion of substantive right such as would constitute an overbreadth. 6 Conn. Cir. Ct. 170, 172, 173. Cited. 6 Conn. Cir. Ct. 219; 229. Annotations to former section 53-296 (Sporting contest pools): Evidence sufficient to prove beyond reasonable doubt defendants were making book in home of one of them. 4 Conn. Cir. Ct. 605. Cited. 6 Conn. Cir. Ct. 193. Annotation to former section 53-297 (Sale or lease of implements to be used in pool selling): Purports only to punish one who transmits the information, not the recipients. 132 C. 336. Annotations to former section 53-298 (Policy playing; gaming by use of lottery slips or tickets): Scope of statute discussed. 128 C. 407. The words "bets or wagers" are broader than such words as "policy playing" or "numbers games." But they include these forms of gambling or betting on what numbers will be drawn in a lottery or will be determined by chance. 140 C. 560. Information charging "engaging in sale of policy slips for purposes of gambling" is satisfied by evidence that the defendant participates, is involved or has an interest therein. 141 C. 565. Prima facie case of guilt, requirements for and effect. 145 C. 549. Distinction between pool selling and policy playing. 147 C. 426. A finding of not guilty on prosecution for policy playing does not preclude prosecution for pool selling. *Id.* Cited. 132 C. 47; 149 C. 569, 570, 577; 152 C. 87; 153 C. 129. No specific intent required as element of crime. 152 C. 585. Statute is complex and lengthy and mere reading of it to jury was not adequate charge by court, new trial ordered. 159 C. 175. To convict of the crime of being the custodian of a policy slip, the state must prove that the slip in question was a policy slip within the meaning of the

statute and that the defendant kept, or was the custodian of, the slip. 22 CS 340; 23 CS 183. Violation of this section by an employee on company premises constitutes just cause for dismissal. A labor arbitration award to the contrary contravenes public policy. 22 CS 475. Something more than proof of suspicious circumstances is needed to sustain a conviction. 23 CS 480. Cited. 22 CS 437; 23 CS 405; 24 CS 23, 70, 72. Where plaintiff sued to recover indebtedness from defendants, which claim arose from winnings from a bet made in violation of this section, held the court will not aid party to an illegal contract in enforcing his claim and, since all the parties were in pari delicto, judgment should be rendered for the defendants. 26 CS 238. For conviction state must prove slip was policy slip within meaning of statute and defendant was custodian. 2 Conn. Cir. Ct. 305. Cited. 3 Conn. Cir. Ct. 96; 4 Conn. Cir. Ct. 165; id., 221; id., 422; 551. Evidence of defendants' writing policy, including a film of his activity, one month before date of crime charged held admissible on his trial. 4 Conn. Cir. Ct. 717. Cited. 5 Conn. Cir. Ct. 1; 54; 468. Officers observing defendant put tally papers under rafters of hatchway were not conducting search when they picked papers up on arrest of defendant in his store. 5 Conn. Cir. Ct. 613. Search of person found on premises of store searched under warrant held constitutional. 5 Conn. Cir. Ct. 637. Where accused threw aside newspaper, policy sheet and pen when fleeing arrest, officer could seize such articles as property abandoned by defendant. 6 Conn. Cir. Ct. 17. Cited. 6 Conn. Cir. Ct. 59. Phrase "concerned in" as used in this section and section 53-295 discussed. 6 Conn. Cir. Ct. 170, 172. Defendant was found guilty on three counts of possession of policy play on single day. Since his offense was one continuous offense, conviction on each of second and third counts put him in double jeopardy and was in error. 6 Conn. Cir. Ct. 170, 173, 174, 175. Nothing so vague or ambiguous about language of this statute as to violate constitution, and no evidence of invasion of substantive right such as would constitute overbreadth. 6 Conn. Cir. Ct. 170, 172, 173. Cited. 6 Conn. Cir. Ct. 193; 577. Annotations to former section 54-33h (Arrest of keeper of gambling equipment; seizure and disposition of property): Authorizes the seizure of money used in gambling. 132 C. 46. A coin-operated pinball machine which is designed to provide free plays upon scoring of certain numbers or combinations of numbers is a gaming device. 147 C. 444. Amended as result of Mapp v. Ohio, 367 U.S. 643, which held that evidence obtained by unlawful search and seizure is inadmissible in state courts. Also see 149 C. 567. If search and seizure were incidental to a lawful arrest, they were not unreasonable. Definition of slot machine; differentiated from pinball device. 3 CS 378. Cited. 16 CS 304; 19 CS 500. Where officer listened at rear door and viewed gambling through transom while patrolling, entry on premises and search without warrant upheld. 2 Conn. Cir. Ct. 247. Warrant properly issued under former statute to provide basis for postconviction, in rem proceedings. 5 Conn. Cir. Ct. 51. Annotations to present section: Subdiv. (5): Cited (erroneously as Sec. 52-278a(5)). 196 C. 471, 474.

#### Sec. 53-278b. Gambling; professional gambling; penalties.

(a) Any person who engages in gambling, or solicits or induces another to engage in gambling, or is

present when another person or persons are engaged in gambling, shall be guilty of a class B misdemeanor; provided natural persons shall be exempt from prosecution and punishment under this subsection for any game, wager or transaction which is incidental to a bona fide social relationship, is participated in by natural persons only and in which no person is participating, directly or indirectly, in professional gambling. (b) Any person who engages in professional gambling shall be guilty of a class A misdemeanor.

(P.A. 73-455, S. 2.)

See footnotes to Sec. 53-278a.

Cited. 3 CA 477, 479. Cited. 5 CA 634, 635. Cited. 8 CA 290, 291. Cited. 35 CA 333, 336. Pyramid merchandising schemes possess the three

essential elements of a lottery, consideration, chance and prize and thus violate the lottery statute. 32 CS 279. Subsec. (a): Cited. 17 CA

587, 588. Subsec. (b): Cited. 17 CA 587, 588.

### Sec. 53-278c. Seizure of gambling devices.

Penalties for possession, sale, etc., of gambling devices or records. Exceptions. (a) All gambling devices are common nuisances and, if found in a place known or suspected to be a gambling premise, are subject to seizure, immediately upon detection, by any peace officer, who shall hold the same subject to confiscation and destruction by order of a court having jurisdiction. (b) No property right in any such gambling device shall exist or be recognized in any person, except the possessory right of officers enforcing sections 53-278a to 53-278g, inclusive. (c) All furnishings, fixtures, equipment and stock, including without limitation furnishings and fixtures adaptable to nongambling uses and equipment and stock for printing, recording, computing, transporting, safekeeping or, except as otherwise provided in subsection (c) of section 53-278d, communication, used in connection with professional gambling or maintaining a gambling premise, and all money or other things of value at stake or displayed in or in connection with professional gambling or any gambling device, shall be subject to seizure, immediately upon detection, by any peace officer, and shall, unless good cause is shown to the contrary by the owner, be ordered by the court to be destroyed or disposed of to a charitable or educational institution or to a governmental agency or institution, provided, if such property is money or valuable prize, it shall become the property of the state; except any such property which at the time of such order is subject to a bona fide mortgage, assignment of lease or rent, lien or security interest shall remain subject to such mortgage, assignment, lien or security interest. The court may also order that such property be sold by sale at public auction, in which case the proceeds shall become the property of the state; provided any person who has a bona fide mortgage, assignment of lease or rent, lien or security interest shall have the same right to the proceeds as he had in the property prior to sale. The provisions of section 54-33g shall not be applicable to proceedings under this section. (d) Except as provided in subsection (e), any person who knowingly owns, manufactures, possesses, buys, sells, rents, leases, stores, repairs or transports any gambling device, or offers or solicits any interest therein, except in connection with a permit under sections 7-169 to 7-186l, inclusive, whether through an agent or employee or otherwise shall be guilty of a class A misdemeanor. Subsection (b) of this section shall have no application in the enforcement of this subsection. (e) Any firm or corporation may engage in the business of manufacturing gambling devices for use outside of the state, provided such firm or corporation has obtained approval for the manufacture and transportation of such devices from the Commissioner of Public Safety. The commissioner shall adopt regulations in accordance with the provisions of chapter 54 to implement the provisions of this subsection. (f) Any person who knowingly prints, makes, possesses, stores or transports any gambling record, or buys, sells, offers or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a class B misdemeanor, and in the enforcement of this subsection direct possession of any gambling record shall be presumed to be knowing possession thereof.

(P.A. 73-455, S. 3; P.A. 74-221, S. 8; P.A. 75-54, S. 2, 3; P.A. 84-89, S. 1, 2.)

History: P.A. 74-221 amended Subsec. (c) to replace former provisions requiring sale of forfeited property, allowing transfer of liens against

such property to proceeds of sale and requiring equal division of proceeds between general fund of state and general fund of political subdivision whose officers made the seizure, with provisions requiring destruction of property, disposition to charitable or educational institution or governmental agency or consideration as state property; P.A. 75-54 amended Subsec. (c) to add provisions similar to those which existed prior to amendment of P.A. 74-221 re rights of persons holding mortgages, liens, etc. against property to claim share of proceeds of sale, etc; P.A. 84-89 inserted new Subsec. (e), exempting from criminal liability firms or corporations which manufacture gambling devices for out-of-state use provided they have approval to manufacture and transport from the public safety commissioner and relettered former Subsec. (e) as Subsec. (f); in 1993 a reference to repealed Sec. 7-186m was replaced editorially by a reference to Sec. 7-186l in Subsec. (d).  
See footnotes to Sec. 53-278a.  
Subsec. (c): Cited. 196 C. 471, 479. Subsec. (e): Cited. 8 CA 673, 674. Subsec. (f): Cited. 196 C. 471, 474, 483.

#### Sec. 53-278d. Transmission of gambling information.

(a) Any person who knowingly transmits or receives gambling information by telephone, telegraph, radio, semaphore or other means, or knowingly installs or maintains equipment for the transmission or receipt of gambling information, shall be guilty of a class A misdemeanor. (b) When any public utility is notified in writing by a law enforcement agency acting within its jurisdiction that any service, facility or equipment furnished by it is being used or will be used to violate this section, it shall, within ten days of receipt of such notice, discontinue or refuse the furnishing of such service, facility or equipment, and no damages, penalty or forfeiture, civil or criminal, shall be imposed against any public utility for any act done in compliance with any such notice. Unreasonable failure to comply with such notice shall be prima facie evidence of knowledge against such public utility. Nothing in this subsection shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, that such service, facility or equipment should not be discontinued, or removed, or should be restored. (c) Facilities and equipment furnished by a public utility in the regular course of business, and which remain the property of such utility while so furnished, shall not be seized pursuant to subsection (c) of section 53-278c except in connection with an alleged violation of sections 53-278a to 53-278g, inclusive, by such public utility, and shall be forfeited only upon conviction of such public utility therefor. (d) Any person who subscribes to any telephone facility in a fictitious name for the purpose of gambling shall be guilty of a class D felony.

(P.A. 73-455, S. 4.)

See footnotes to Sec. 53-278a.

Subsec. (a): Cited. 3 CA 477, 479. Cited. 5 CA 634, 635. Cited. 8 CA 673, 674. Cited. 17 CA 587, 589.

Subsec. (b): Cited. 8 CA 673, 674.

#### Sec. 53-278e. Gambling premises as nuisance.

(a) All gambling premises are common nuisances and shall be subject to abatement by injunction or as otherwise provided by law. In any action brought under this subsection the plaintiff need not show damage and may, in the discretion of the court, be relieved of all requirements as to giving security. (b) When any property or premise is determined by a court having jurisdiction to be a gambling premise, the owner shall have the duty to terminate all interest of anyone holding the same under him. (c) When any property or premise, for which one or more licenses, permits or certificates issued by this state or any political subdivision or other public agency thereof are in effect, is determined by a court having

jurisdiction to be a gambling premise, all such licenses, permits or certificates shall be void, and no license, permit or certificate so voided shall be reissued for such property or premise for a period of sixty days thereafter. All peace officers and all taxing and licensing officials of this state and its political subdivisions and other public agencies shall enforce this subsection. (d) Any person who, as owner, lessee, agent, employee, operator, occupant or otherwise, knowingly maintains or aids or permits the maintaining of a gambling premise shall be guilty of a class A misdemeanor, and any person who does any act in violation of this subsection within any locked, barricaded or camouflaged place or in connection with any electrical or mechanical alarm or warning system or arrangement where a lookout is used shall be guilty of a class D felony.

(P.A. 73-455, S. 5.)

See footnotes to Sec. 53-278a.

#### Sec. 53-278f. Persistent offenders.

Any person who has been convicted of a violation of subsection (b) of section 53-278b, subsection (d) of section 53-278c, subsection (a) of section 53-278d, or subsection (d) of section 53-278e or any statute predecessor thereto may, upon any subsequent violation of said subsections, be prosecuted as a persistent offender and on conviction may be subjected to the penalty of the next most serious classification of offense, provided it shall be an affirmative defense to the charge of being a persistent offender under this section if the defendant was pardoned on the ground of innocence with respect to the prior conviction on which the state is relying.

(P.A. 73-455, S. 6.)

See footnotes to Sec. 53-278a.

#### Sec. 53-278g. Excepted activities.

Training of casino personnel for employment by Mashantucket Pequot tribe. (a) Nothing in sections 53-278a to 53-278g, inclusive, shall be construed to prohibit the publication of an advertisement of, or the operation of, or participation in, a state lottery, pari-mutuel betting at race tracks licensed by the state, off-track betting conducted by the state or a promotional drawing for a prize or prizes, conducted for advertising purposes by any person, firm or corporation other than a retail grocer or retail grocery chain, wherein members of the general public may participate without making any purchase or otherwise paying or risking credit, money, or any other tangible thing of value. (b) The Mashantucket Pequot tribe, or its agent, may use and possess at any location within the state, solely for the purpose of training individuals in skills required for employment by the tribe, any gambling device which the tribe is authorized to utilize on its reservation pursuant to the federal Indian Gaming Regulatory Act; provided no money or other thing of value shall be paid to any person as a result of the operation of such gambling device in the course of such training at locations outside of the reservation of the tribe. Any person receiving such training may use any such device in the course of such training.

(P.A. 73-455, S. 7; P.A. 93-257; 93-435, S. 93, 95.)

History: P.A. 93-257 added Subsec. (b) permitting training of individuals in skills required for employment by Mashantucket Pequot tribe; P.A.

93-435 changed effective date of P.A. 93-257 from October 1, 1993, to June 4, 1993, effective June 28, 1993.

See footnotes to Sec. 53-278a.

#### Sec. 53-279. Transferred to Chapter 959, Sec.

54-33h.

#### Sec. 53-280. Billiard and pool rooms; permits.

The first selectman of any town, the chief of police of any city or the warden of any borough may grant permits to suitable persons to conduct public billiard and pool rooms in such town, city or borough, as the case may be, and may revoke any permit issued by him, for cause found after hearing. The use of any billiard or pool table for the purpose of gaming within any billiard or pool room, for the conduct of which a permit has been granted, or the carrying on within such billiard or pool room of any game of chance shall be sufficient cause for the revocation of such permit or for the refusal of a renewal of such permit. Each application for such a permit shall be in writing and shall describe the place where such billiard or pool room is to be located and state the number of tables to be used therein and the name of the proprietor thereof. Each such permit shall designate the place where such business is to be carried on and shall continue in force for one year unless revoked. Each person receiving such permit shall annually pay to the authority granting the same the sum of ten dollars for the use of the municipality. Any person who conducts, maintains or keeps open a public billiard or pool room without such permit shall be fined not more than fifty dollars or imprisoned not more than six months or both.

(1949 Rev., S. 8657.)

Cited. 8 CA 290, 300302.

#### Secs. 53-281 to 53-288. Billiard and pool rooms; closing.

Loitering by minors under eighteen. Keeping place where fowls or animals are fought. Penalty for attending fight of fowl or animals. Unlawful exhibition of sports or animals for gain. Unlawful exhibitions near fair grounds. Endurance contests. Bribery in game, contest or sport. Acceptance of bribe by player. Sections 53-281 to 53-288, inclusive, are repealed.

(1949 Rev., S. 86588665; February, 1965, P.A. 90; 1969, P.A. 828, S. 214; P.A. 94-43.)

See Sec. 53-247 re cruelty to animals. See Secs. 53a-162, 53a-163 re rigging of sporting or other contests.

### **CHAPTER 949C. CORRUPT ORGANIZATIONS AND RACKETEERING ACTIVITY ACT**

#### Sec. 53-394. Definitions.

(a) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to intentionally aid, solicit, coerce or intimidate another person to commit any crime which, at the time of its commission, was a felony chargeable by indictment or information under the following provisions of the general statutes then applicable: (1) Sections 53-278a to 53-278f, inclusive, relating to gambling activity; (2) chapter 949a, relating to extortionate credit transactions; (3) chapter 952, part IV, relating to homicide; (4) chapter 952, part V, relating to assault, except assault with a motor vehicle as defined in section 53a-60d; (5) sections 53a-85 to 53a-88, inclusive, relating to prostitution; (6) chapter 952, part VII, relating to kidnapping; (7) chapter 952, part VIII, relating to burglary, arson and related offenses; (8) chapter 952, part IX, relating to larceny, robbery and related offenses; (9) chapter 952, part X, relating to forgery and related offenses; (10) chapter 952, part XI, relating to bribery and related offenses; (11) chapter 952, part XX, relating to obscenity and related offenses; (12) chapter 952, part XIX, relating to coercion; (13) sections 53-202, 53-206, 53a-211 and 53a-212, relating to weapons and firearms; (14) section 53-80a, relating to the manufacture of bombs; (15) sections 36b-2 to 36b-33, inclusive, relating to securities; (16) sections 21a-277, 21a-278 and 21a-279, relating to drugs; (17) section 22a-131a, relating to hazardous waste; or (18) chapter 952, part XXIII, relating to money laundering. (b) "Unlawful debt"

means any money or other thing of value constituting principal or interest of a debt that is incurred or contracted: (1) In violation of any of the following provisions of law: (A) Sections 53-278a to 53-278f, inclusive, relating to gambling activity; (B) chapter 663, relating to interest violations; or (2) In gambling activity in violation of federal law or in the business of lending money at a rate usurious under state or federal law. (c) "Enterprise" means any individual, sole proprietorship, corporation, business trust, union chartered under the laws of this state or other legal entity, or any unchartered union, association or group of individuals associated in fact although not a legal entity, and includes illicit as well as licit enterprises and governmental, as well as other entities. In determining whether any unchartered union, association or group of individuals exists, factors which may be considered as evidence of association include, but are not limited to: (1) A common name or identifying sign, symbols or colors and (2) rules of behavior for individual members. (d) "Person" includes any individual or entity, governmental, business or other, capable of holding a legal or beneficial interest in property. (e) "Pattern of racketeering activity" means engaging in at least two incidents of racketeering activity that have the same or similar purposes, results, participants, victims or methods of commission or otherwise are interrelated by distinguishing characteristics, including a nexus to the same enterprise, and are not isolated incidents, provided the latter or last of such incidents occurred after October 1, 1982, and within five years after a prior incident of racketeering activity. (f) "State's attorney" means the Chief State's Attorney, a deputy chief state's attorney, any state's attorney or any assistant state's attorney. (g) "Property" includes any property, real or personal, or any interest therein or any beneficial interest of whatever kind. (P.A. 82-343, S. 2; P.A. 84-138, S. 1; P.A. 91-36; July Sp. Sess. P.A. 94-2, S. 8.) History: P.A. 84-138 amended Subsec. (a) by replacing alphabetic Subdiv. indicators with numeric Subdiv. indicators and by adding Subdiv. (17) re Sec. 22a-131a; P.A. 91-36 amended Subsec. (a) by adding Subdiv. (18) re chapter 952, part XXIII; July Sp. Sess. P.A. 94-2 redefined "enterprise" to add provision re factors that may be considered as evidence of association when determining whether any unchartered union, association or group of individuals exists. Subsec. (g): Cited. 206 C. 421, 427, 432.

#### Sec. 53-395. Prohibited activities.

(a) It is unlawful for any person who has knowingly received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest or equity in, real property or in the establishment or operation of any enterprise. (b) It is unlawful for any person, through a pattern of racketeering activity or through the collection of an unlawful debt, to receive anything of value or to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property. (c) It is unlawful for any person employed by, or associated with, any enterprise to knowingly conduct or participate in, directly or indirectly, such enterprise through a pattern of racketeering activity or through the collection of an unlawful debt. (d) Speech, conduct or association to the extent protected by article first of the constitution of the state or the first amendment to the United States Constitution shall not be considered unlawful under this section. (P.A. 82-343, S. 3; P.A. 94-211.) History: P.A. 94-211 added Subsec. (d) re speech, conduct or association protected by the state or federal constitution. Cited. 229 C. 479, 483. Subsec. (b): Cited. 28 CA 306, 308. Subsec. (c): Cited. 206 C. 421, 422.

### **TITLE 53A. PENAL CODE**

### **CHAPTER 951. PENAL CODE: STATUTORY CONSTRUCTION; PRINCIPLES OF CRIMINAL LIABILITY**

Sec. 53a-13. Lack of capacity due to mental disease or defect as affirmative defense.

(a) In any prosecution for an offense, it shall be an affirmative defense that the defendant, at the time he committed the proscribed act or acts, lacked substantial capacity, as a result of mental disease or defect, either to appreciate the wrongfulness of his conduct or to control his conduct within the requirements of the law. (b) It shall not be a defense under this section if such mental disease or defect was proximately caused by the voluntary ingestion, inhalation or injection of intoxicating liquor or any drug or substance, or any combination thereof, unless such drug was prescribed for the defendant by a prescribing practitioner, as defined in subdivision (22) of section 20-571, and was used in accordance with the directions of such prescription. (c) As used in this section, the terms mental disease or defect do not include (1) an abnormality manifested only by repeated criminal or otherwise antisocial conduct or (2) pathological or compulsive gambling.

(1969, P.A. 828, S. 13; P.A. 79-49; P.A. 81-301, S. 1; P.A. 83-486, S. 1; P.A. 95-264, S. 64.)

History: P.A. 79-49 clarified section by adding provisions concerning effect of use of drugs, intoxicating liquors or combinations of them on

defense plea; P.A. 81-301 replaced the provision that "it shall be a defense that the defendant" lacked substantial capacity with "a defendant

may be found guilty but not criminally responsible if" he lacked substantial capacity due to mental disease or defect, and replaced "It shall not

be a defense under this section" with "A finding of criminal responsibility shall not be barred"; P.A. 83-486 divided section into Subsecs.,

amended Subsec. (a) by replacing "a defendant may be found guilty but not criminally responsible if" with "it shall be an affirmative defense that

the defendant", and rephrasing parts of said Subsec., amended Subsec. (b) by replacing "A finding of criminal responsibility shall not be

barred" with "It shall not be a defense under this section" and amended Subsec. (c) by providing that mental disease or defect does not include

"pathological or compulsive gambling"; P.A. 95-264 amended Subsec. (b) to change "licensed" practitioner to "prescribing" practitioner and

referenced the definition section (Note: The reference in Subsec. (b) to "prescribing practitioner, as defined in subdivision (21) of ..." was

corrected editorially by the Revisors to "prescribing practitioner, as defined in subdivision (22) of ...").

See Sec. 54-89a re court instructions to jury.

Annotations to former section 54-82a: Prior to adoption of statute: Degree of incapacity to render person criminally irresponsible. 39 C.

591; 87 C. 5. Statute adopted test of insanity in model penal code. 157 C. 209, 212. State may in first instance rely on presumption that

defendant was sane at time of offense. 158 C. 341, 354. The common law standard of insanity is applicable in a case in which the verdict and

judgment was rendered five months prior to the effective date of section 54-82a. 159 C. 385, 401, 403.

Annotations to present section: Cited.

169 C. 13, 25. Trial court did not err in concluding that the evidence was inadequate to raise the reasonable doubt as to the defendant's

sanity necessary to warrant submitting the issue to the jury. 173 C. 35, 43. Once substantial evidence tending to prove insanity is

introduced, the presumption that the defendant was sane loses all operative effect. 173 C. 140, 142.

Whether a defendant has put his sanity

in issue is a question of law, and once the sanity of the defendant has become an issue the state has the burden of proving the defendant sane

beyond a reasonable doubt. 175 C. 204, 208. Cited. 176 C. 224, 227. State's affirmative evidence was sufficient to support conclusion that

state had established sanity beyond a reasonable doubt. 178 C. 480, 482. Contains only standard to determine insanity; previously

accepted common law definitions and the "Durham" rule included in court instructions constituted harmful error. Id., 626, 627, 631633. A defendant is entitled to a theory of defense instruction as a matter of law when evidence under this section is before jury. Id., 704, 708. Cited. 182 C. 142, 168; Id., 603, 605, 607, 611. Cited. 185 C. 402, 425. Cited. 187 C. 73, 85, 86; Id., 199, 202, 203. Cited. 189 C. 360, 361. Cited. 191 C. 73; Id., 636, 648. Cited. 192 C. 571, 573. Cited. 193 C. 70, 85, 86, 89. Cited. 193 C. 474, 478, 481, 488. Cited. 196 C. 430432, 437. Cited. 198 C. 53, 56. Cited., Id., 7779, 81, 84, 86. Cited. Id., 124, 125, 133, 134. Cited. Id., 314, 320. Cited. Id., 386, 389. Cited. Id., 598, 606. Cited. 200 C. 607, 610. Cited. 201 C. 190, 201. Cited. Id., 211, 217. Cited. 202 C. 86, 91. Cited. 203 C. 212, 214, 215, 217, 231, 243. Cited. 206 C. 229, 231. Cited. 208 C. 125, 127, 128. Cited. 209 C. 75, 93, 94. Cited. Id., 416, 419, 420. Cited. 211 C. 151, 157. Cited. Id., 591, 597. Cited. 218 C. 151, 153. Cited. Id., 349, 351. Cited. Id., 766, 769. Cited. 225 C. 114, 138. Cited. Id., 450, 457, 459. Cited. 227 C. 448, 450. Cited. Id., 456, 475. Cited. 228 C. 281, 302. Cited. 229 C. 328, 329. Cited. 230 C. 183, 184, 222. Cited. Id., 400, 405. Cited. 234 C. 139, 162. The inclusion in the court's charge of language concerning the defendant's capacity to distinguish right from wrong, which involved the abandoned M'Naghten test, was error. 1 CA 697, 700, 701, 703, 705, 706. Cited. 8 CA 307, 309. Cited. 10 CA 302, 318, 323. Cited. 12 CA 32, 34, 41. Cited. 14 CA 511, 513, 515. Cited. 20 CA 342, 343. Cited. 22 CA 669, 677. State does not have to produce expert witnesses in order to sustain a conviction against a claim of insanity but may rely upon all the evidence in the case to carry its burden. 33 CS 704, 710. Subsec. (a): Cited. 200 C. 607, 610. Cited. 201 C. 174, 186. Cited. 218 C. 349, 379. Cited. 225 C. 114, 136, 138. Does not violate due process prohibition against relieving state of its burden of proving every element of crime beyond a reasonable doubt; court finds no constitutional requirement that sanity be considered an essential element of crime to be proved by state. Id., 450, 454, 457, 458, 460, 465, 470472. Cited. 236 C. 189191, 200202, 205. Cited. 14 CA 511, 515. Cited. 20 CA 342, 344. Cited. 35 CA 94, 107; judgment reversed, see 235 C. 185 et seq. Subsec. (b): Cited. 218 C. 151, 155. Cited. 227 C. 456, 483. Cited. 228 C. 281, 310. Cited. 12 CA 32, 40.

## **TITLE 54. CRIMINAL PROCEDURE**

### **CHAPTER 960. INFORMATION, PROCEDURE AND BAIL**

Sec. 54-47a. Compelling testimony of witness.

Immunity from prosecution. (a) Whenever in the judgment of the Chief State's Attorney, a state's attorney or the deputy chief state's attorney, the testimony of any witness or the production of books, papers or other evidence of any witness (1) in any criminal proceeding involving narcotics, arson, bribery, gambling, election law violations, felonious crimes of violence, any violation which is an offense under the provisions of title 22a, corruption in the executive, legislative or judicial branch of state government or in the government of any political subdivision of the state, fraud by a vendor of goods or services in the medical assistance program under Title XIX of the Social Security Act amendments of 1965, as amended, any violation of chapter 949c, or any other class A, B or C felony or unclassified felony punishable by a term of imprisonment in excess of five years for which the Chief State's Attorney or state's attorney demonstrates that he has no other means of obtaining sufficient information as to whether a crime has been committed or the identity of the person or persons who may have committed a crime, before a court or grand jury of this state or (2) in any investigation conducted by an investigatory grand jury as provided

in sections 54-47b to 54-47g, inclusive, is necessary to the public interest, the Chief State's Attorney, the state's attorney, or the deputy chief state's attorney, may, with notice to the witness, after the witness has claimed his privilege against self-incrimination, make application to the court for an order directing the witness to testify or produce evidence subject to the provisions of this section. (b) Upon the issuance of the order such witness shall not be excused from testifying or from producing books, papers or other evidence in such case or proceeding on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. No such witness may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled to testify or produce evidence, and no testimony or evidence so compelled, and no evidence discovered as a result of or otherwise derived from testimony or evidence so compelled, may be used as evidence against him in any proceeding, except that no witness shall be immune from prosecution for perjury or contempt committed while giving such testimony or producing such evidence. Whenever evidence is objected to as inadmissible because it was discovered as a result of or otherwise derived from compelled testimony or evidence, the burden shall be upon the person offering the challenged evidence to establish a source independent of the compelled testimony or evidence.

(1969, P.A. 631, S. 1; P.A. 74-183, S. 140, 291; 74-227, S. 1, 2; P.A. 76-436, S. 539, 681; P.A. 78-96, S. 35; P.A. 80-313, S. 6; P.A. 81-104; P.A. 85-611, S. 8; P.A. 87-350, S. 4, 6.)

History: P.A. 74-183 replaced circuit court with court of common pleas in accordance with reorganization of the judicial system, effective

December 31, 1974; P.A. 74-227 deleted reference to prosecuting attorneys, added references to chief state's attorney, deputy chief state's

attorneys, state referees, superior court judges and three-judge panels and extended applicability of provisions to cases involving violation of

election laws; P.A. 76-436 deleted references to court of common pleas, reflecting transfer of all trial jurisdiction to superior court, effective July

1, 1978; P.A. 78-96 applied provisions to violations which are offenses under Title 25 provisions; P.A. 80-313 divided section into Subsecs. and

made minor wording changes in Subsec. (b); P.A. 81-104 provided that immunity from prosecution may be granted to any witness in a criminal

proceeding involving arson or bribery; P.A. 85-611 amended Subsec. (a) to replace reference to repealed Sec. 54-47 with provision that

testimony or evidence may be compelled "in any investigation conducted by an investigatory grand jury as provided in sections 54-47b to

54-47g, inclusive"; P.A. 87-350 added provisions re criminal proceeding involving violation of title 22a, corruption in executive, legislative or

judicial branch of state government or in government of political subdivision of state, fraud by a vendor of goods or services in the medical

assistance program under Title XIX of the Social Security Act amendments of 1965, any violation of chapter 949c or any other class A, B or C

felony or unclassified felony punishable by a term of imprisonment in excess of five years for which chief state's attorney or state's attorney

demonstrates that he has no other means of obtaining sufficient information as to whether crime has been committed or identity of person who

may have committed a crime.

Section to be used to secure testimony for prosecution; as there is no other statutory authority granting immunity, there is no basis for

granting immunity to witness for the defense. 170 C. 206. Cited. 172 C. 542, 561. Assistant state's attorney has authority pursuant to this

section in conjunction with Sec. 51-278, to make applications for immunity grants. 174 C. 16, 21. One who has been granted immunity is not

incompetent witness, although fact of immunity may bear upon weight given testimony of witness granted immunity. Id., 287, 306. Cited. 191

C. 670, 674. Cited. 201 C. 559, 566568. Cited. 202 C. 541543, 545, 549, 550, 552554, 556560. Cited. 204 C. 259, 278. Defendant lacks

standing to challenge procedure by which a witness has been immunized. 206 C. 203205, 212. Cited. 207 C. 98, 101. Secs. 54-47a54-47h also cited. Id. Cited. 213 C. 66, 71. Cited. 221 C. 625, 630, 634. Cited. 16 CA 679, 680. Cited. 17 CA 395, 401. Cited. 20 CA 447, 450. Cited. 33 CA 521, 526. Subsec. (a): Cited. 206 C. 203, 209. Cited. 33 CA 521, 526. Subsec. (b): Cited. 206 C. 203, 205, 206, 209212.