CHAPTER 128

AN ACT concerning unlawful gambling operations in this State and amending and supplementing various parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.52:17B-139.14 Definitions.

1. As used in this act, P.L.2025, c.128 (C.52:17B-139.14 et al.):

"Game" means, but is not limited to, casino-style games such as slot machines; video poker; table games such as roulette, blackjack, craps, and poker; lottery games such as draw games, raffle, bingo, and keno; sports wagering; and any game that mimics or simulates such casino-style games or sports wagering.

"Prize or prize equivalent" means: (1) cash, a cash equivalent, or merchandise; (2) a token, object, or article, or a virtual facsimile thereof, that can be exchanged, sold, or redeemed, either directly or indirectly through means such as a third-party marketplace, external service, or cash-out function, for cash, a cash equivalent, or merchandise; or (3) any form of credit or promise directly or indirectly contemplating the transfer of cash, a cash equivalent, or merchandise, or of any interest therein.

"Something of value" means the same as that term is defined by subsection d. of N.J.S.2C:37-1.

"Sweepstakes" means a promotional, advertising, or marketing event, contest, or game, whether played online or in person, in which something of value, such as a prize or prize equivalent, is awarded, either directly or indirectly through means such as a dual currency system of payment that allows a participant to exchange the currency for a prize or prize equivalent.

C.52:17B-139.15 Pay to play sweepstakes, unlawful gambling.

2. Except as otherwise provided in section 3 of P.L.2025, c.128 (C.52:17B-139.16) or authorized under any other law of this State, offering or conducting a sweepstakes in which a person present in New Jersey may participate by paying or proffering something of value, including, but not limited to, an entry fee for the opportunity to win or receive a prize or prize equivalent, shall constitute unlawful gambling in violation of Article IV, Section VII, paragraph 2 of the New Jersey Constitution, shall subject the operator or sponsor, or any officer, employee, or agent of the operator or sponsor, to civil liability under section 5 of P.L.2025, c.128 (C.52:17B-139.18) and under any other applicable law of this State that prohibits gambling, and, to the extent applicable, may subject such persons to criminal liability under N.J.S.2C:37-2, N.J.S.2C:37-4, N.J.S.2C:37-7, and under any other criminal law of this State that prohibits gambling.

C.52:17B-139.16 Sweepstakes, lawful parameters.

3. a. Notwithstanding the provisions of section 2 of P.L.2025, c.128 (C.52:17B-139.15) or any other law or regulation to the contrary, offering, conducting, or participating in a sweepstakes that meets the requirements of subsection b. of this section shall not constitute unlawful gambling in violation of Article IV, Section VII, paragraph 2 of the New Jersey Constitution, and shall not subject the participant or the operator or sponsor of the sweepstakes or any officer, employee, or agent of the operator or sponsor, to any civil or criminal liability under the laws of this State that prohibit gambling.

b. A sweepstakes in which a person present in New Jersey may participate by paying or proffering something of value for the opportunity to win or receive a prize or prize equivalent shall not be deemed to violate section 2 of P.L.2025, c.128 (C.52:17B-139.15) if:

(1) there exists a method of entry to participate in the sweepstakes at no cost to the participant;

(2) any method of entry that is not free to the participant is ancillary to the purchase of food, non-alcoholic beverages, or other merchandise, such as mugs, trinkets, or mementos, not exceeding $20 in value or such other amount to be determined by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, provided, however, that such other items of merchandise shall not include coins, tokens, or online credits that have no value other than permitting sweepstakes entry or that are able to be exchanged for money or merchandise from the sweepstakes operator or an affiliated company;

(3) determination of the winner or winners of the sweepstakes is not in any way based on the results of any sports event or contest, the performance or any facet thereof of any individual or team, or the performance of a combination of any individuals or teams in any sports event or contest, unless the sole and exclusive method of entry to participate in the sweepstakes is at no cost to all participants;

(4) the sweepstakes entry form or the website or application used to enter an online or telephone sweepstakes clearly discloses to participants the rules of the sweepstakes, the odds of a winning any and all prizes, unless the sweepstakes permits an unlimited number of entries, in which case the sponsor or operator shall disclose that the sweepstakes permits unlimited entry, and the nature and number of any prizes that may be awarded;

(5) the value of any cash or merchandise prize shall be income for purposes of New Jersey income tax;

(6) no person under the age of 18 shall be permitted to claim a sweepstakes prize exceeding $1,000 in value without the consent of the person's parent or guardian; and

(7) the odds of winning any particular prize shall be identical regardless of whether the contest was entered by purchasing an entry or by entering at no cost to the participant.

c. The Division of Consumer Affairs may adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of sections 1 through 13 of P.L.2025, c.128 (C.52:17B-139.14 through 52:17B-139.26).

C.52:17B-139.17 Violation of sweepstakes prohibition, summary proceeding, injunction.

4. Whenever it shall appear to the director of the Division of Consumer Affairs that a violation of section 2 of P.L.2025, c.128 (C.52:17B-139.15) has occurred, is occurring, or will occur, the division may, in addition to any other proceeding authorized by law, seek and obtain in a summary proceeding in Superior Court an injunction prohibiting such violation. In any such proceeding, the court may assess a civil penalty in accordance with the provisions of section 5 of P.L.2025, c.128 (C.52:17B-139.18); order restoration to any person in interest of any monies or property, real or personal, acquired by means of such violation in accordance with the provisions of section 11 of P.L.2025, c.128 (C.52:17B-139.24); and enter such orders as may be necessary to prevent the recurrence of such violation in the future and to remedy any past violation.

C.52:17B-139.18 Liability, civil penalty related to sweepstakes prohibition violation.

5. Any person found in violation section 2 of P.L.2025, c.128 (C.52:17B-139.15) shall, in addition to any other sanctions authorized by law or regulation, be liable to a civil penalty of not more than $100,000 for the first offense and not more than $250,000 for the second and each subsequent offense. Each day that such violation continues shall be deemed a separate offense.

C.52:17B-139.19 Investigation into prohibited sweepstakes wagering, involved parties.

6. When it shall appear to the director of the Division of Consumer Affairs that a person has engaged in, is engaging in, or is about to engage in any practice that violates section 2 of P.L.2025, c.128 (C.52:17B-139.15), or when the director believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in, is engaging in, or is about to engage in, any such practice, the director may:

require such person to file on such forms as may be prescribed a statement or report in writing, under oath or otherwise, as to all the facts and circumstances concerning the sale or advertisement of merchandise by such person and such other data and information as the director may deem necessary;

examine, under oath, any person in connection with the sale or advertisement of any merchandise;

examine any merchandise or sample thereof, record, book, document, account, or paper as the director may deem necessary; and

pursuant to an order of the Superior Court, impound any record, book, document, account, paper, or sample of merchandise that is produced in accordance with this act and retain the same in the director's possession until the completion of all proceedings in connection with which the same are produced.

C.52:17B-139.20 Evidence received, penalty assessment, prohibited sweepstakes wagering.

7. Upon receiving evidence of any violation of section 2 of P.L.2025, c.128 (C.52:17B-139.15), the director of the Division of Consumer Affairs, or the director's designee, shall be empowered to hold hearings upon said violation and, upon finding the violation to have been committed, to assess a penalty against the person alleged to have committed such violation in an amount authorized by section 5 of P.L.2025, c.128 (C.52:17B-139.18) as the director deems proper under the circumstances. Any such amounts collected by the director in excess of the costs and expenses incurred by the division in exercising the authority granted by P.L.2025, c.128 (C.52:17B-139.14 et al.), shall be paid forthwith into the General Fund for appropriation by the Legislature to the Department of Human Services for prevention, education, and treatment programs for compulsive gambling that meet the criteria developed pursuant to section 2 of P.L.1993, c.229 (C.26:2-169), such as those provided by the Council on Compulsive Gambling of New Jersey.

C.52:17B-139.21 Enforcement, prohibited sweepstakes wagering.

8. To enforce section 2 of P.L.2025, c.128 (C.52:17B-139.15), the director of the Division of Consumer Affairs, in addition to other powers conferred upon the director by this act, may issue subpoenas to any person, administer an oath or affirmation to any person, conduct hearings in aid of any investigation or inquiry, promulgate such rules and regulations, and prescribe such forms as may be necessary, which shall have the force of law.

C.52:17B-139.22 Notice requiring filing a statement, report, subpoena to be made in this State, substitutions, prohibited sweepstakes wagering.

9. Service by the director of the Division of Consumer Affairs of any notice requiring a person to file a statement or report, or of a subpoena upon any person, in connection with section 2 of P.L.2025, c.128 (C.52:17B-139.15) shall be made personally within this State, but if such cannot be obtained, substituted service therefor may be made in the following manner:

personal service thereof without this State; or

the mailing thereof by registered mail to the last known place of business, residence, or abode, within or without this State of such person for whom the same is intended; or

as to any person other than a natural person, in accordance with the Rules Governing the Courts of the State of New Jersey pertaining to service of process, provided, however, that service shall be made by the Attorney General; or

such service as the Superior Court may direct in lieu of personal service within this State.

C.52:17B-139.23 Violation of filing statement, report, obey subpoena, penalties, prohibited sweepstakes wagering.

10. If any person shall fail or refuse to file any statement or report, or obey any subpoena issued by the director of the Division of Consumer Affairs in connection with section 2 of P.L.2025, c.128 (C.52:17B-139.15), the director may apply to the Superior Court and obtain an order:

adjudging such person in contempt of court;

granting injunctive relief without notice restraining the sale or advertisement of any merchandise by such persons;

vacating, annulling, or suspending the corporate charter of a corporation created by or under the laws of this State or revoking or suspending the certificate of authority to do business in this State of a foreign corporation or revoking or suspending any other licenses, permits, or certificates issued pursuant to law to such person which are used to further the allegedly unlawful practice; and

granting such other relief as may be required until the person files the statement or report, or obeys the subpoena.

C.52:17B-139.24 Money, property restored to person in interest, seniors, prohibited sweepstakes wagering.

11. In addition to the assessment of civil penalties, the director of the Division of Consumer Affairs or the director's designee may, after a hearing and upon a finding of a violation of section 2 of P.L.2025, c.128 (C.52:17B-139.15), order that any moneys or property, real or personal, which have been acquired by means of such violation be restored to any person in interest, except that if any moneys or property, real or personal, have been acquired by means of a violation perpetrated against a senior citizen, the amount of moneys or property, real or personal, ordered restored shall be twice the amount acquired.

As used in this section, "senior citizen" means a person age 62 years or older.

C.52:17B-139.25 Violator ordered to cease and desist, penalties, prohibited sweepstakes wagering.

12. Where, after a hearing, the director of the Division of Consumer Affairs, or the director's designee, finds that a violation of section 2 of P.L.2025, c.128 (C.52:17B-139.15) has been or may be committed, the director may order the person committing such violation to cease and desist or refrain from committing said violation in the future. When it shall appear to the director that a person against whom a cease and desist order has been entered has violated said order, the director may initiate a summary proceeding in the Superior Court for the violation thereof. Any person found to have violated a cease and desist order shall pay to the State of New Jersey civil penalties in the amount of not more than $25,000 for each violation of said order. In the event that any person fails to pay a civil penalty assessed by the court for violation of a cease and desist order, the court assessing the unpaid penalty is authorized, upon

application of the director, to grant any relief which may be obtained under any statute or court rule governing the collection and enforcement of civil penalties.

C.52:17B-139.26 Collection of amount delinquent, prohibited sweepstakes wagering.

13. At any time within five years after any amount required to be collected pursuant to the provisions of sections 2 through 12 of P.L.2025, c.128 (C.52:17B-139.15 through 52:17B-139.25) shall become due and payable, the Division of Consumer Affairs may bring a civil action in the courts of this State, any other state, or of the United States, in the name of the State of New Jersey, to collect the amount delinquent, together with penalties and interest. If such action is brought in this State, a writ of attachment may be issued and no bond or affidavit prior to the issuance thereof shall be required. In all actions in this State, the records of the division shall be prima facie evidence of the determination of the amount of the delinquency.

Each debt that is due and payable and required to be collected, and any monetary penalty imposed for a violation of section 2 through section 12 of P.L.2025, c.128 (C.52:17B-139.15 through 52:17B-139.25), shall constitute a lien on the real property in this State owned or hereafter acquired by the person owing such a debt or on whom such an obligation has been imposed. Except as otherwise provided in R.S.54:5-9, such a lien shall be a first lien paramount to all prior or subsequent liens, claims, or encumbrances on that property.

C.5:12-112.1 Injunction prohibiting unlawful gambling.

14. In addition to any other authority provided under law, whenever it shall appear to the Division of Gaming Enforcement that a violation of section 112 of P.L.1977, c.110 (C.5:12-112) or unlawful gambling in violation of Article IV, Section VII, paragraph 2 of the New Jersey Constitution, other than a sweepstakes offered or conducted in violation of section 2 of P.L.2025, c.128 (C.52:17B-139.15), has occurred, is occurring, or will occur, the division may, in addition to any other proceeding authorized by law, seek and obtain in a summary proceeding in Superior Court an injunction prohibiting such violation or unlawful gambling. In any such proceeding, the court may assess a civil penalty in accordance with the provisions of section 15 of P.L.2025, c.128 (C.5:12-112.2); order restoration to any person in interest of any monies or property, real or personal, acquired by means of such violation or unlawful gambling in accordance with the provisions of section 20 of P.L.2025, c.128 (C.5:12-112.7); and enter such orders as may be necessary to prevent the recurrence of such violation or unlawful gambling in the future and to remedy any past violation or unlawful gambling. In any action brought pursuant to this section, the court shall not suspend or revoke any license issued by the division.

C.5:12-112.2 Civil penalties for engaging in unlawful gambling.

15. Any person violating section 112 of P.L.1977, c.110 (C.5:12-112), or engaging in unlawful gambling in violation of Article IV, Section VII, paragraph 2 of the New Jersey Constitution, other than a sweepstakes offered or conducted in violation of section 2 of P.L.2025, c.128 (C.52:17B-139.15), shall, in addition to any other sanctions authorized by law or regulation, be liable to a civil penalty of not more than $10,000 for the first offense and not more than $25,000 for the second and each subsequent offense. Each statutory violation shall constitute a separate offense.

C.5:12-112.3 Investigation into unlawful gambling, involved parties.

16. In addition to any other authority provided under the law, when it shall appear to the director of the Division of Gaming Enforcement that a person has engaged in, is engaging in,

or is about to engage in any practice that violates section 112 of P.L.1977, c.110 (C.5:12-112), or in any unlawful gambling in violation of Article IV, Section VII, paragraph 2 of the New Jersey Constitution, other than a sweepstakes offered or conducted in violation of section 2 of P.L.2025, c.128 (C.52:17B-139.15), or when the director believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in, is engaging in, or is about to engage in, any such practice, the director may:

require such person to file on such forms as may be prescribed a statement or report in writing under oath or otherwise, as to all the facts and circumstances concerning the sale or advertisement of merchandise by such person, and such other data and information as the director may deem necessary;

examine under oath any person in connection with the sale or advertisement of any merchandise;

examine any merchandise or sample thereof, record, book, document, account, or paper as the director may deem necessary; and

pursuant to an order of the Superior Court impound any record, book, document, account, paper, or sample of merchandise that is produced in accordance with this act, and retain the same in the director's possession until the completion of all proceedings in connection with which the same are produced.

C.5:12-112.4 Evidence received, penalty assessment, unlawful gambling.

17. Upon receiving evidence of any practice that violates section 112 of P.L.1977, c.110 (C.5:12-112), or of unlawful gambling in violation of Article IV, Section VII, paragraph 2 of the New Jersey Constitution, unlawful gambling, other than a sweepstakes offered or conducted in violation of section 2 of P.L.2025, c.128 (C.52:17B-139.15), the director of the Division of Gaming Enforcement, or the director's designee, shall be empowered to hold hearings upon said violation and, upon finding the violation to have been committed, to assess a penalty against the person alleged to have committed such violation, as well as against any person or entity, including, but not limited to, third party providers or service providers of any kind, found to have knowingly aided or abetted the commission of such violation, in an amount authorized by section 15 of P.L.2025, c.128 (C.5:12-112.2), as the director deems proper under the circumstances. Any such amounts collected by the director shall be paid forthwith into the General Fund for the general purposes of the State.

C.5:12-112.5 Enforcement, unlawful gambling.

18. To enforce section 112 of P.L.1977, c.110 (C.5:12-112) or any prohibition against unlawful gambling in violation of Article IV, Section VII, paragraph 2 of the New Jersey Constitution other than a sweepstakes offered or conducted in violation of section 2 of P.L.2025, c.128 (C.52:17B-139.15), the director of the Division of Gaming Enforcement, in addition to other powers conferred upon the director, may issue subpoenas to any person, administer an oath or affirmation to any person, conduct hearings in aid of any investigation or inquiry, promulgate such rules and regulations, and prescribe such forms as may be necessary, which shall have the force of law.

C.5:12-112.6 Notice requiring filing a statement, report, subpoena to be made in this State, substitutions, unlawful gambling.

19. Service by the director of the Division of Gaming Enforcement of any notice requiring a person to file a statement or report, or of a subpoena upon any person, pursuant to sections 14 through 23 of P.L.2025, c.128 (C.5:12-112.1 through 5:12-112.10), shall be made

personally within this State, but if such cannot be obtained, substituted service therefor may be made in the following manner:

personal service thereof without this State; or

the mailing thereof by registered mail to the last known place of business, residence or abode, within or without this State of such person for whom the same is intended; or

as to any person other than a natural person, in accordance with the Rules Governing the Courts of the State of New Jersey pertaining to service of process, provided, however, that service shall be made by the Attorney General; or

such service as the Superior Court may direct in lieu of personal service within this State.

C.5:12-112.7 Violation of filing statement, report, obey subpoena, penalties, unlawful gambling.

20. If any person shall fail or refuse to file any statement or report, or obey any subpoena issued by the director of the Division of Gaming Enforcement pursuant to sections 14 through 23 of P.L.2025, c.128 (C.5:12-112.1 through 5:12-112.10), the director may apply to the Superior Court and obtain an order:

adjudging such person in contempt of court;

granting injunctive relief without notice restraining the sale or advertisement of any merchandise by such persons;

vacating, annulling, or suspending the corporate charter of a corporation created by or under the laws of this State or revoking or suspending the certificate of authority to do business in this State of a foreign corporation or revoking or suspending any other licenses, permits, or certificates issued pursuant to law to such person which are used to further the allegedly unlawful practice; and

granting such other relief as may be required until the person files the statement or report, or obeys the subpoena.

C.5:12-112.8 Money, property restored to person in interest, seniors, unlawful gambling.

21. In addition to the assessment of civil penalties, the director of the Division of Gaming Enforcement or the director's designee may, after a hearing and upon a finding of a practice that violates section 112 of P.L.1977, c.110 (C.5:12-112), or unlawful gambling in violation of Article IV, Section VII, paragraph 2 of the New Jersey Constitution, other than a sweepstakes offered or conducted in violation of section 2 of P.L.2025, c.128 (C.52:17B-139.15), order that any moneys or property, real or personal, which have been acquired by means of such violation be restored to any person in interest, except that if any moneys or property, real or personal, have been acquired by means of a violation perpetrated against a senior citizen, the amount of moneys or property, real or personal, ordered restored shall be twice the amount acquired.

As used in this section, "senior citizen" means a person age 62 years or older.

C.5:12-112.9 Violator ordered to cease and desist, penalties, unlawful gambling.

22. In addition to any other authority provided under the law, when, after a hearing, the director of the Division of Gaming Enforcement or the director's designee, finds that a violation of section 112 of P.L.1977, c.110 (C.5:12-112), or unlawful gambling in violation of Article IV, Section VII, paragraph 2 of the New Jersey Constitution, other than a sweepstakes offered or conducted in violation of section 2 of P.L.2025, c.128 (C.52:17B-139.15), has been or may be committed, the director may order the person committing such violation to cease and desist or refrain from committing said violation in the future. When it shall appear to the

director that a person against whom a cease and desist order has been entered has violated said order, the director may initiate a summary proceeding in the Superior Court for the violation thereof. Any person found to have violated a cease and desist order shall pay to the State of New Jersey civil penalties in the amount of not more than $25,000 for each violation of said order. In the event that any person fails to pay a civil penalty assessed by the court for violation of a cease and desist order, the court assessing the unpaid penalty is authorized, upon application of the director, to grant any relief which may be obtained under any statute or court rule governing the collection and enforcement of civil penalties.

C.5:12-112.10 Collection of amount delinquent, unlawful gambling.

23. At any time within five years after any amount required to be collected pursuant to the provisions of sections 14 through 23 of P.L.2025, c.128 (C.5:12-112.1 through 5:12-112.10) or for any violation of State gambling laws shall become due and payable, the Division of Gaming Enforcement may bring a civil action in the courts of this State, any other state, or of the United States, in the name of the State of New Jersey, to collect the amount delinquent, together with penalties and interest. If such action is brought in this State, a writ of attachment may be issued and no bond or affidavit prior to the issuance thereof shall be required. In all actions in this State, the records of the division shall be prima facie evidence of the determination of the amount of the delinquency.

Each debt that is due and payable and required to be collected, and any monetary penalty imposed for a violation of the State's gambling laws, shall constitute a lien on the real property in this State owned or hereafter acquired by the person owing such a debt or on whom such an obligation has been imposed. Except as otherwise provided in R.S.54:5-9, such a lien shall be a first lien paramount to all prior or subsequent liens, claims, or encumbrances on that property.

C.2C:37-10 Gambling, risking property valued $1,000 more, offense, exception.

24. a. A person who participates in any form of gambling activity by risking property with a value of $1,000 or more, having agreed to pay 10 percent or more of the proceeds of the gambling activity to another, is guilty of a disorderly persons offense, unless the person exercises sole control over whether and in what manner the property involved is risked.

b. A person who solicits or conspires with another to violate subsection a. of this section is guilty of a disorderly persons offense.

25. N.J.S.2C:21-11 is amended to read as follows:

Rigging publicly exhibited contest.

2C:21-11. Rigging or Improperly Influencing Publicly Exhibited Contest or Sports Event.

a. A person commits a crime if, with purpose to prevent a publicly exhibited contest or sports event from being conducted in accordance with the rules and usages which govern it, the person:

(1) Confers, offers, agrees to confer any benefit upon or threatens any injury to a participant, official, or other person associated with the contest or sports event;

(2) Tampers with any person, animal, or thing;

(3) Gives, offers, or promises, or attempts to give to or offer, or asks, receives, or offers to receive directly or indirectly, from any other person any compensation, gratuity, or thing of value, or any promise thereof, with the intention, understanding, or agreement that the person or any player, participant, manager, coach, or other official on, or associated with, a competitor or team in the contest or sports event, regardless of by whom such person is employed:

(a) will not use best efforts to win the contest or sports event or will cause themselves or their team to lose the contest or sports event; or

(b) will engage in conduct so as to limit their, or their team's, margin of victory or defeat; or

(4) Gives, offers, or promises, or attempts to give to or offer, or asks, receives, or offers to receive, directly or indirectly, from any other person any compensation, gratuity, or thing of value, or any promise thereof, with the intention, understanding, or agreement that the person or any judge, referee, or other person officiating in the contest or sports event will fraudulently or corruptly judge, referee, or officiate the contest or sports event.

b. Soliciting or accepting benefit for rigging. A person commits a crime if the person knowingly solicits, accepts, or agrees to accept any benefit the giving of which would be criminal under subsection a. of this section.

c. If the benefit offered, conferred, agreed to be conferred, solicited, accepted, or agreed to be accepted in violation of subsections a. and b. of this section is $75,000.00 or more, the offender is guilty of a crime of the second degree. If the benefit exceeds $500, but is less than $75,000, the offender is guilty of a crime of the third degree. If the benefit is $500 or less, the offender is guilty of a crime of the fourth degree.

d. Failure to report solicitation for rigging. A person commits a disorderly persons offense if the person fails to report, with reasonable promptness, a solicitation to accept any benefit or to do any tampering, the giving or doing of which would be criminal under subsection a. of this section.

e. Participation in rigged contest or sports event. A person commits a crime of the fourth degree if the person knowingly engages in, sponsors, produces, judges, or otherwise participates in a publicly exhibited contest or sports event knowing that the contest or sports event is being conducted in violation of subsection a. of this section.

26. N.J.S.2C:37-1 is amended to read as follows:

Definitions.

2C:37-1. The following definitions apply to this chapter and to chapter 64:

a. "Contest of chance" means any contest, game, pool, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants or some other persons may also be a factor therein.

b. "Gambling" means staking or risking something of value upon the outcome of a contest of chance or a future contingent event not under the actor's control or influence, upon an agreement or understanding that the actor will receive something of value in the event of a certain outcome, or buying, selling, or trading something of value upon an agreement or understanding that the actor will receive something of value in the event of a certain outcome in a contest of chance. For purposes of this subsection, a contest of chance or a future contingent event not under the actor's control or influence shall include, but need not be limited to, a sports event on which a wager may be placed with a sports wagering licensee pursuant to P.L.2018, c.33 (C.5:12A-10 et al.).

c. "Player" means a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct, or operation of the particular gambling activity. A person who gambles at a social game of chance on equal terms with the other participants therein does not thereby render material assistance to the establishment, conduct, or operation of such game if he performs, without fee or remuneration, acts directed toward the arrangement or facilitation

of the game, such as inviting persons to play, permitting the use of premises therefor or supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in this section is not a "player."

d. "Something of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment, or a privilege of playing at a game or scheme without charge. This definition, however, does not include any form of promise involving extension of a privilege of playing at a game without charge on a mechanical or electronic amusement device, other than a slot machine as an award for the attainment of a certain score on that device.

e. "Gambling device" means any device, machine, paraphernalia, or equipment which is used or usable in the playing phases of any gambling activity, whether such activity consists of gambling between persons or gambling by a person involving the playing of a machine. Notwithstanding the foregoing, lottery tickets, policy slips, and other items used in the playing phases of lottery and policy schemes are not gambling devices.

f. "Slot machine" means any mechanical, electrical, or other device, contrivance, or machine which, upon insertion of a coin, token, or similar object therein, or upon payment of any consideration whatsoever, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash or tokens to be exchanged for cash, whether the payoff is made automatically from the machine or in any other manner whatsoever. A device so constructed, or readily adaptable or convertible to such use, is no less a slot machine because it is not in working order or because some mechanical act of manipulation or repair is required to accomplish its adaptation, conversion, or workability.

g. "Bookmaking" means advancing gambling activity by unlawfully accepting bets from members of the public upon the outcome of future contingent events as a business.

h. "Lottery" means an unlawful gambling scheme in which (a) the players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other media, one or more of which chances are to be designated the winning ones; (b) the winning chances are to be determined by a drawing or by some other method based upon the element of chance; and (c) the holders of the winning chances are to receive something of value.

i. "Policy" or "the numbers game" means a form of lottery in which the winning chances or plays are not determined upon the basis of a drawing or other act on the part of persons conducting or connected with the scheme, but upon the basis of the outcome or outcomes of a future contingent event or events otherwise unrelated to the particular scheme.

j. "Gambling resort" means a place to which persons may resort for engaging in gambling activity.

k. "Unlawful" means not specifically authorized by law.

l. “Online gambling resort” means a website or application accessed via the Internet or other computer or mobile connection to which persons may resort for engaging in gambling activity.

27. N.J.S.2C:37-2 is amended to read as follows:

Promoting gambling.

2C:37-2. Promoting Gambling.

a. Promoting Gambling Defined. A person is guilty of promoting gambling when the person knowingly:

(1) Accepts or receives money or other property, pursuant to an agreement or understanding with any person whereby the person participates or will participate in the proceeds of gambling activity, including, but not limited to, gambling activity that occurs online, unless such gambling activity is under the regulation and control of the State; or

(2) Engages in conduct, which materially aids any form of gambling activity. Such conduct includes, but is not limited to, conduct directed toward the creation or establishment of the particular game, contest, scheme, device, or activity involved; toward the acquisition or maintenance of premises, paraphernalia, equipment, or apparatus therefor; toward the solicitation or inducement of persons to participate therein; toward the actual conduct of the playing phases thereof; toward the arrangement of any of its financial or recording phases; or toward any other phase of its operation.

b. Grading. A person who violates the provisions of subsection a. of this section by:

(1) Engaging in bookmaking to the extent the person receives or accepts in any one day more than five bets totaling more than $1,000.00; or

(2) Receiving, in connection with a lottery or policy scheme or enterprise (a) money or written records from a person other than a player whose chances or plays are represented by such money or records, or (b) more than $100.00 in any one day of money played in such scheme or enterprise is guilty of a crime of the third degree and notwithstanding the provisions of section 2C:43-3 shall be subject to a fine of not more than $35,000.00 and any other appropriate disposition authorized by subsection b. of N.J.S.2C:43-2.

A person who violates the provisions of subsection a. of this section by engaging in bookmaking to the extent the person receives or accepts three or more bets in any two-week period is guilty of a crime of the fourth degree and notwithstanding the provisions of section 2C:43-3 shall be subject to a fine of not more than $25,000.00 and any other appropriate disposition authorized by subsection b. of N.J.S.2C:43-2. Otherwise, promoting gambling is a disorderly persons offense and notwithstanding the provisions of section 2C:43-3 shall be subject to a fine of not more than $10,000.00 and any other appropriate disposition authorized by subsection b. of N.J.S.2C:43-2.

c. It is an affirmative defense to a prosecution under subsection a. that the person participated only as a player.

28. N.J.S.2C:37-4 is amended to read as follows:

Maintenance of a gambling resort or online gambling resort.

2C:37-4. Maintenance of a Gambling Resort or Online Gambling Resort.

a. A person is guilty of a crime of the third degree if, having substantial proprietary or other authoritative control over premises which are being used with his knowledge for purposes of activities prohibited by N.J.S.2C:37-2 and N.J.S.2C:37-3, the person permits such to occur or continue or makes no effort to prevent its occurrence or continuation and the person accepts or receives money or other property pursuant to an agreement or understanding with any person whereby the person participates or will participate in the proceeds of such gambling activity on such premises and notwithstanding the provisions of section 2C:43-3 shall be subject to a fine of not more than $50,000 and any other appropriate disposition authorized by subsection b. of N.J.S.2C:43-2.

b. A person is guilty of a crime of the third degree if, having substantial proprietary or other authoritative control over premises open to the general public which are being used with the person’s knowledge for purposes of gambling activity, the person permits such to occur or continue or makes no effort to prevent its occurrence or continuation and notwithstanding the

provisions of section 2C:43-3 shall be subject to a fine of not more than $50,000 and any other appropriate disposition authorized by subsection b. of N.J.S.2C:43-2.

c. A person is guilty of a crime of the third degree if the person operates or maintains an online gambling resort through which persons from within New Jersey are permitted to wager unless such gambling activity is under the regulation and control of the State and, notwithstanding the provisions of N.J.S.2C:43-3, shall be subject to a fine of not less than $50,000 nor more than $100,000 and any other appropriate disposition authorized by subsection b. of N.J.S.2C:43-2.

29. Section 113 of P.L.1977, c.110 (C.5:12-113) is amended to read as follows:

C.5:12-113 Swindling and cheating; penalties.

113. Swindling and Cheating; Penalties.

a. A person is guilty of swindling and cheating if the person:

(1) purposely or knowingly by any trick or sleight of hand performance or by a fraud or fraudulent scheme, cards, dice, or device, for themselves or for another, wins or attempts to win money or property or a representative of either or reduces a losing wager or attempts to reduce a losing wager in connection to casino gaming, Internet gaming, or sports wagering;

(2) purposely or knowingly places any sports wager having knowledge of information not available to the general public bearing upon that wager and wins, or attempts to win, money or property or a representative of either; or

(3) with the purpose to deceive, uses another person's gaming account, including, but not limited to, a wagering account for Internet gaming or sports wagering, to place a wager and wins, or attempts to win, money or property or a representative of either.

b. Consolidation of offenses. Conduct denominated swindling and cheating in this section constitutes a single offense, but each episode or transaction may be the subject of a separate prosecution and conviction. A charge of swindling and cheating may be supported by evidence that it was committed in any manner that would be swindling and cheating under this section, notwithstanding the specification of a different manner in the indictment or accusation, subject only to the power of the court to ensure a fair trial by granting a bill of particulars, discovery, continuance, or other appropriate relief when the conduct of the defense would be prejudiced by a lack of fair notice or by surprise.

c. Grading of swindling and cheating offenses.

(1) Swindling and cheating constitutes a crime of the second degree if the amount involved is $75,000 or more.

(2) Swindling and cheating constitutes a crime of the third degree if the amount involved exceeds $500.

(3) Swindling and cheating constitutes a crime of the fourth degree if the amount involved is at least $200 but not more than $500.

(4) Swindling and cheating constitutes a disorderly persons offense if the amount involved is less than $200.

(5) The amount involved in swindling and cheating shall be determined by the trier of fact. Amounts involved in acts of swindling and cheating committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense.

30. This act shall take effect immediately.

Approved August 15, 2025.