

(H. B. 939)
(Conference)

(No. 136)

(Approved December 11, 1997)

AN ACT

To amend Sections 4 and 5A of Act No. 11 of August 22, 1933, as amended, known as the Games of Chance Act, in order to provide that the prohibition for a person to own more than ten (10) adult entertainment machines shall be enforced as of November 1, 1998, as well as the requirement that said person must be the owner of the business in which said machines are placed; and to provide that the owners or operators accredit their condition as such on or before December 31, 1997.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 4 of Act No. 11 of August 22, 1933, as amended, is hereby amended to read as follows:

“Section 4.- The introduction, distribution, acquisition, sale, lease, transportation, placing, location, functioning, maintenance, operation, use, custody and possession of adult entertainment machines is hereby authorized in businesses or establishments that operate in the Commonwealth of Puerto Rico. When said machines are placed and operated in a business authorized for it, it shall be established in the use permit issued by the Regulations and Permit Administration that the same shall be located at more than two hundred (200) meters away from any public or private school or church or congregation that instills spiritual peace.

As of November 1, 1998, no person may own more than ten (10) machines and must also be the owner of the business where said machines are located. The owners or operators shall inform the Secretary of the

Treasury of their condition as such on or before December 31, 1997, and the latter shall issue the corresponding certification and authorization exempting them from complying with these limitations.

The Secretary shall determine the requirements to be met by the owners and operators of the machines and of the businesses in which they are to be installed, including considerations regarding the number of machines and the volume of business and others to adequately monitor their management and taxation. He/she shall also determine the requirements and conditions for the denial, suspension or revocation of a license.”

Section 2.- Section 5A of Act No. 11 of August 22, 1993, as amended, is hereby amended to read as follows:

“Section 5A.- Violations – Fines and Penalties

(a) Administrative fine

The Secretary shall impose an administrative fine on the owner of not less than five thousand (5,000) dollars nor more than ten thousand (10,000) dollars for each violation of this Act.

(b) Penalties

(1) ...

(2) ...

(3) Every person who prohibits or prevents the free inspection of businesses, establishments or places, by internal revenue or law and order agents, with the purpose of conducting investigations related to this Act, or the regulations promulgated by the Secretary, or who admits, advises, promotes, encourages or induces a person under eighteen (18) years of age to operate adult

entertainment machines, shall incur a felony, and upon conviction thereof, shall be sanctioned with a fixed penalty of one thousand (1,000) dollars and imprisonment for a term of not less than three (3) months nor more than six (6) months and one day, nor more than one (1) year.

...”

Section 3.- This Act shall take effect immediately after its approval.

January 25, 1999

José A. Figueroa-Lugo, Director of the Office of Legislative Services of the Legislature of Puerto Rico, hereby certifies to the Secretary of State that he has duly compared the English and Spanish texts of Act No. 136 (H.B. 939) (Conference) of the 2nd Session of the 13th Legislature of Puerto Rico, entitled:

AN ACT to amend Sections 4 and 5A of Act No. 11 of August 22, 1933, as amended, known as the Games of Chance Act, in order to provide that the prohibition for a person to own more than ten (10) adult entertainment machines shall be enforced as of November 1, 1998, as well as the requirement that said person must be the owner of the business in which said machines are placed; and to provide that the owners or operators accredit their condition as such on or before December 31, 1997,

and finds the same are complete, true and correct versions of each other.

José A. Figueroa-Lugo

