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## A BILL FOR AN ACT

RELATING TO FANTASY COMPETITIONS.

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

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

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

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

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

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

14           (2) Promoting fantasy competition is a violation.

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



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

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

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

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

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

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



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

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

17        SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY: *Jim Jordan*

**By Request**

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**Report Title:**

Fantasy Competition; Penal Code

**Description:**

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

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

