



Senate Fiscal Agency  
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BILL ANALYSIS

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Senate Bill 712 (Substitute S-1 as passed by the Senate)  
Sponsor: Senator Cameron S. Brown  
Committee: Senior Citizens and Veterans Affairs

Date Completed: 1-13-06

### **RATIONALE**

The Michigan Penal Code prohibits a person from frequenting or attending gaming places, which the Code defines as any place where gaming or gambling is permitted, or any place operated or occupied as a common gaming or gambling house or room. Also, under the Code, a person who plays cards, dice, or any other game and wins money, goods, or articles is guilty of a misdemeanor. These provisions do not apply to recreational card-playing at senior housing facilities, however, if it is conducted by a club or group of residents consisting of at least 15 members, and if the card-playing is conducted solely for the amusement or recreation of the club's members and guests. The Code limits the hours during which card-playing may occur, the amount of bets and winnings, and the use of revenue. Recently, some have suggested that similar activities also should be permitted at senior centers that are not housing facilities.

### **CONTENT**

**The bill would amend the Michigan Penal Code to allow recreational card-playing at nonresidential senior citizen centers.** Currently, Chapter 44 of the Code, which regulates gambling, does not apply to card-playing at senior citizen housing facilities. The bill would extend that exemption to senior centers that are not housing facilities.

The current exemption allows recreational card-playing at any senior citizen housing facility that has at least 15 members who are 60 years of age or older and play

cards solely for amusement or recreation. The card-playing may not be used for fund-raising, and the number of guests playing cards may not exceed the number of participating members. The facility must not be licensed by the Liquor Control Commission. Only members or employees of the group or club are permitted to conduct the card games. The conductor may not be compensated for conducting the games, and, except for winnings, any revenue generated from the card game must be used to cover expenses. The card-playing must be held after 9:00 a.m. and before 12:00 midnight. The card players may not bet more than 25 cents per bet, and the winnings per hand may not be greater than \$5.

Under the bill, the exemption would apply to recreational card-playing conducted at a senior citizen housing facility or a senior citizen center that is not a housing facility. The card-playing would have to be conducted by a club or group composed of residents of the facility or members of the center, at least 15 of whom were 60 or older.

Also, under the bill, the restriction that card-playing be conducted between 9:00 a.m. and midnight would not apply on a legal holiday.

MCL 750.303a

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Senior centers provide many services to individuals over the age of 50 to help them remain active, maintain social connections, and stay mentally fit. Many seniors spend a good percentage of their time at a senior center, and in an age when families are sometimes spread out across the country, the centers provide a valuable sense of community. The Burnside Senior Center in Branch County, for example, offers a wide variety of activities, including trips, stained glass-making, woodworking and wood carving, quilting, painting, computer classes, photography, and golf. The center's facilities include a library, pool table, and fitness center. In the past, the center also offered card games such as bridge, pinocle, and euchre in which participants could win stakes up to \$5. The games were strictly for recreational purposes; the people conducting the games were not compensated for their efforts; and all money collected during the games went to pay prizes and to buy supplies such as cards and score sheets. The games were reportedly very popular with the participants, and were beneficial for them, stimulating mental activity and allowing seniors to enjoy the company of others in a friendly competitive atmosphere.

Recently, the center was told that it could no longer award prize money for the card games, or it would risk being held in violation of the Code. Reportedly, as a result of that decision, about 40 members left the center so they could play cards elsewhere. The Code currently allows card-playing at senior housing facilities, and the card games at senior centers are operated in the same spirit, for social and entertainment purposes only. The bill would extend to senior centers the same rules that apply to senior housing facilities, and allow the Burnside Senior Center and others across the State to offer these recreational games to senior citizens.

### **Supporting Argument**

Under the bill, people at senior housing facilities and senior centers could continue playing cards for small wagers after

midnight on legal holidays, such as New Year's Eve.

**Response:** Perhaps the time frame should be removed altogether. According to a representative of the Lottery Bureau, it is not enforced, anyway.

### **Opposing Argument**

The bill could be subject to the constitutional amendment passed under Proposal 1 of 2004, which requires voter approval for any law enacted after January 1, 2004, that authorizes "any form of gambling". If the card-playing at senior centers fell under that provision, then Article IV, Section 41 of the State Constitution would require it to be approved by voters.

**Response:** Proposal 1 was meant to require voter authorization for the expansion of gambling in the State. The bill simply would broaden an existing exception to provisions of the Penal Code.

Legislative Analyst: Curtis Walker

## **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.