

REFERENCE TITLE: department of gaming; investigations

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1237

Introduced by
Senator Borrelli: Representative Biasiucci

AN ACT

AMENDING SECTION 5-602, ARIZONA REVISED STATUTES; RELATING TO GAMING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 5-602, Arizona Revised Statutes, is amended to read:

5-602. Gaming certification and enforcement; powers; duties; deputy director

A. The department of gaming shall certify, as provided in tribal-state compacts, prospective gaming employees, facility support employees, tribal gaming office employees, financiers, management contractors, providers of gaming services and manufacturers and distributors of gaming devices to ensure that unsuitable individuals or companies are not involved in Indian gaming ~~permitted~~ ALLOWED under the tribal-state compacts. In carrying out the duties prescribed in this section, the department shall seek to promote the public welfare and public safety and shall seek to prevent corrupt influences from infiltrating Indian gaming.

B. Certification pursuant to this chapter is a privilege and not a right.

C. The department of gaming shall execute the duties of this state under the tribal-state compacts in a manner that is consistent with this state's desire to have extensive, thorough and fair regulation of Indian gaming ~~permitted~~ ALLOWED under the tribal-state compacts.

D. The department of gaming shall establish a certification and enforcement unit charged with the investigative duties relevant to tribal-state compacts, including applications for certification, investigations and enforcement, and such other duties as the director of the department of gaming prescribes.

E. To determine the suitability of prospective applicants for any tribal gaming license or state certification, each applicant shall furnish a full set of fingerprints and such fingerprints shall be submitted to the department of public safety for a criminal records check. Each applicant's fingerprints shall also be submitted by the department of public safety to the federal bureau of investigation for a federal criminal records check. The department of gaming is authorized to receive criminal records information from the department of public safety and from the federal bureau of investigation for the purpose of evaluating the fitness of applicants for any tribal gaming license, ~~OR~~ OR state certification or renewal.

F. Hearings shall be conducted pursuant to title 41, chapter 6, article 10. Except as provided in section 41-1092.08, subsection H, any party who is aggrieved by a final order or decision of the director of the department of gaming may seek judicial review pursuant to title 12, chapter 7, article 6.

G. The director of the department of gaming may issue subpoenas for the attendance of witnesses and the production of books, records and documents necessary ~~for the enforcement of~~ TO ENFORCE this article and the

1 tribal-state compacts. These subpoenas shall be served and enforced in a
2 manner consistent with title 41, chapter 6, article 10.

3 H. The director of the department of gaming may establish the
4 position of deputy director of the department of gaming. The deputy
5 director of the department of gaming position is exempt from title 41,
6 chapter 4, articles 5 and 6. Persons holding the position of deputy
7 director of the department of gaming are eligible to receive compensation
8 pursuant to section 38-611.

9 I. The director of the department of gaming may enter into a
10 contract or agreement with any public agency for any joint and cooperative
11 action as provided in title 11, chapter 7, article 3.

12 J. ON WRITTEN REQUEST FROM A LAW ENFORCEMENT AUTHORITY OR
13 PROSECUTORIAL AGENCY, the department of gaming may investigate violations
14 of section 13-3306 that occur on non-Indian lands in this state and may
15 cooperate with appropriate law enforcement authorities and prosecutorial
16 agencies in the investigation and prosecution of these violations. THE
17 DEPARTMENT MAY NOT INITIATE SUCH INVESTIGATIONS.