IC 4-31-13

Chapter 13. Offenses and Enforcement

IC 4-31-13-1

Disciplinary actions of judges and stewards; sanctions; maximum civil penalty

Sec. 1. (a) The commission may issue orders under IC 4-21.5 to:

(1) deny, suspend, diminish, or revoke permits and licenses as authorized by this article; and

(2) impose civil penalties, in addition to any other penalty imposed by the commission on a person who violates this article or a rule or an order of the commission.

(b) The commission or the commission's designee, as determined under the rules of the commission, on its own motion or in addition to a penalty assessed by the stewards and judges, may issue orders under IC 4-21.5 to rule a person off one (1) or more permit holders' premises, if necessary in the public interest to maintain proper control over recognized meetings.

(c) A civil penalty imposed against a licensee under subsection (a)(2) may not exceed five thousand dollars ($5,000). For purposes of subsection (a)(2), each day during which a violation of this article or a rule or an order of the commission continues to occur constitutes a separate offense.

(d) Civil penalties imposed under this article shall be deposited in the state general fund.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.43; P.L.50-1995, SEC.10; P.L.210-2013, SEC.9.

IC 4-31-13-2

Disciplinary hearings; sanctions, maximum civil penalty; appeals

Sec. 2. (a) The commission may adopt rules under IC 4-22-2 to delegate to the stewards and judges of racing meetings under the jurisdiction of the commission the power to conduct disciplinary hearings on behalf of the commission. The stewards and judges shall give at least twelve (12) hours notice of any such hearing. The stewards and judges, on behalf of the commission, may impose one (1) or more of the following sanctions against a licensee who violates this article or the rules or orders of the commission:

(1) A civil penalty not to exceed five thousand dollars ($5,000).

(2) A temporary order or other immediate action in the nature of a summary suspension if a licensee's actions constitute an immediate danger to the public health, safety, or welfare.

(3) Suspension of a license held by the licensee for not more than one (1) year. The suspension of a license under this subdivision is:

(A) valid even though the suspension extends beyond the period of the racing meeting for which the stewards and judges have been appointed; and

(B) effective at all other racing meetings under the jurisdiction of the commission.

(4) A rule that a person must stay off the premises of one (1) or more permit holders if necessary in the public interest to maintain proper control over recognized meetings.

(5) Referral of the matter to the commission for its consideration.

However, at least two (2) of the stewards or judges at a racing meeting must concur in a suspension or civil penalty.

(b) Unless a suspension of a license or the imposition of a civil penalty under this section is appealed by the person sanctioned not more than fifteen (15) days after being sanctioned, the suspension of a license or the imposition of a civil penalty under this section must occur within one hundred eighty (180) days after the date of the violation.

(c) A suspension or civil penalty under this section may be appealed to the commission. Judges and stewards imposing sanctions under this section must prove the person's violation by a preponderance of the evidence. The commission shall adopt rules establishing procedures for appeals and stays of appeals. The commission shall conduct a hearing on an appeal filed under this section as provided in IC 4-21.5.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.44; P.L.50-1995, SEC.11; P.L.210-2013, SEC.10.

IC 4-31-13-3

Conducting, aiding, or abetting pari-mutuel wagering without a permit; violation; Level 6 felony

Sec. 3. (a) A person who is not a permit holder may not conduct, or aid or abet the conducting of, a horse racing meeting at which pari-mutuel wagering is permitted. Each day of racing in violation of this section constitutes a separate offense.

(b) A person who violates this section commits a Level 6 felony.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.158-2013, SEC.65.

IC 4-31-13-3.5

Permit holders or persons with an interest in a permit holder

Sec. 3.5. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(b) This section applies only to contributions made after June 30, 1996.

(c) As used in this section, "candidate" refers to any of the following:

(1) A candidate for a state office.

(2) A candidate for a legislative office.

(3) A candidate for a local office.

(d) As used in this section, "committee" refers to any of the

following:

(1) A candidate's committee.

(2) A regular party committee.

(3) A committee organized by a legislative caucus of the house of the general assembly.

(4) A committee organized by a legislative caucus of the senate of the general assembly.

(e) As used in this section, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

(f) For purposes of this section, a person is considered to have an interest in a permit holder if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the permit holder.

(2) The person is an officer of the permit holder.

(3) The person is an officer of a person that holds at least a one percent (1%) interest in the permit holder.

(4) The person is a political action committee of the permit holder.

(g) For purposes of this section, a permit holder is considered to have made a contribution if a contribution is made by a person who has an interest in the permit holder.

(h) A permit holder or a person with an interest in a permit holder may not make a contribution to a candidate or a committee during the following periods:

(1) The term during which the permit holder holds a permit.

(2) The three (3) years following the final expiration or termination of the permit holder's permit.

(i) A person who knowingly or intentionally violates this section commits a Level 6 felony.

As added by P.L.4-1996, SEC.92. Amended by P.L.158-2013, SEC.66.

IC 4-31-13-4

Right of entry by commission and representatives; searches of persons and property; violation; suspension

Sec. 4. (a) The commission and its representatives have the right of full and complete entry to any and all parts of the grounds and mutuel plants of permit holders.

(b) The commission, the commission's representatives, and the state judge investigating for violations of law or of the rules of the commission may permit persons authorized by them to search the following persons and areas:

(1) All persons who are within the racetrack premises and:

(A) licensed by the commission; or

(B) engaged in activities that require a license by the commission.

(2) Persons who have gained access to the racetrack premises by special permission.

(3) Vendors licensed by the commission when they are within the racetrack premises.

(4) Stables, rooms, vehicles, and other places within the racetrack premises that are used by those persons who may be searched under this section.

(5) Stables, rooms, and vehicles that are used or maintained by persons licensed by the commission and are located in areas outside of the racetrack premises where horses eligible to race at the racing meeting are stabled.

(c) If a licensee refuses to consent to a search under this section, the person shall be automatically suspended.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.50-1995, SEC.12.

IC 4-31-13-5

"Member of the family" defined; offer of compensation or thing of value by permit holder or employee to commission member or family; prohibition

Sec. 5. (a) As used in this section, "member of the family" means a spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, or first cousin.

(b) A permit holder or a member, an officer, a director, or an employee of the permit holder may not give or offer to:

(1) a member, an employee, or a representative of the commission; or

(2) a member of the family of a commission member, an employee, or a representative;

a gift, money, property, entertainment, or any other thing of value with intent to influence, or that may appear to be intended to influence, the member, an employee, or a representative of the commission in the performance of official duties and responsibilities.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-13-6

Disclosure of information by permit holder to commission

Sec. 6. Upon demand in writing by the commission, a permit holder shall furnish the commission a full and complete statement of receipts, expenditures, attendance, and any other information that the commission requires with respect to a meeting or with respect to an accounting period specified by the commission.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-13-7

Horse in which racetrack official has direct or indirect interest; ineligibility

Sec. 7. (a) This section applies to the following persons:

(1) Judges.

(2) Racing secretaries.

(3) Employees in the racing secretary's office.

(4) Starters.

(5) Assistant starters.

(6) Assistants to the state veterinarian.

(7) Any other racing official.

(b) When a person listed in subsection (a) is serving in an official capacity at a racetrack, a horse in which the person (or the person's spouse or child) has a direct or indirect interest may not be raced at that racetrack.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.210-2013, SEC.11.

IC 4-31-13-8

Making of book or operation of handbooks on grounds; betting with bookmakers; prohibitions

Sec. 8. A permit holder may not allow the making of book or the operation of handbooks on its grounds. If these practices are found to exist, the permit holder shall take immediate steps to eliminate them. Any licensees who are found betting with bookmakers may be deprived of their licenses, ejected from the grounds, and denied entrance to any race meeting in Indiana. Any other persons found betting with bookmakers may be ejected from the grounds and denied further entrance to any race meeting in Indiana.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-13-9

Gift by permit holder to induce precinct committee member on local public question

Sec. 9. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(b) This section applies only to property given after June 30, 1996.

(c) As used in this section, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

(d) For purposes of this section, a person is considered to have an interest in a permit holder if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the permit holder.

(2) The person is an officer of the permit holder.

(3) The person is an officer of a person that holds at least a one percent (1%) interest in the permit holder.

(4) The person is a political action committee of the permit holder.

(e) A permit holder or a person with an interest in a permit holder may not give any property (as defined in IC 35-31.5-2-253) to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question under IC 4-31-4.

(f) A person who knowingly or intentionally violates this section commits a Level 6 felony.

As added by P.L.24-1996, SEC.9. Amended by P.L.2-1997, SEC.13; P.L.114-2012, SEC.8; P.L.158-2013, SEC.67.