

Legislative Analysis



ALLOW PERSON TO REMOVE NAME FROM DISASSOCIATED PERSONS LIST

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House Bill 4686 (H-2) as reported from committee
Sponsor: Rep. Ryan Berman
1st Committee: Regulatory Reform
2nd Committee: Ways and Means
Complete to 3-10-20

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 225 of 2020)

SUMMARY:

House Bill 4686 would amend the Michigan Gaming Control and Revenue Act to allow a person to request removal of his or her name from the list of disassociated persons maintained under that act after he or she has been on the list for at least five years. Placement on this list subjects a person to being charged with criminal trespassing if he or she enters the premises of a casino licensed in Michigan.

1997 PA 69 provided for the creation of a “disassociated persons” list for the voluntary participation of problem gamblers who wish to make it illegal for themselves to enter a casino. Placement on the list is for the rest of the person’s life. If a disassociated person is found at a casino, the person is immediately removed from the premises, any winnings are confiscated by the Michigan Gaming Control Board for deposit in the Compulsive Gaming Prevention Fund, and a criminal complaint for trespassing is filed. Currently, only the three Detroit casinos are licensed by the state.

The bill would enable a person who has been on the list of dissociated persons for at least five years to submit a form to the Michigan Gaming Control Board to have his or her name removed from the list. After receiving the form, the board would have to notify each casino licensee, the Department of the Attorney General, and the Department of State Police that the individual’s name has been removed from the list.

Currently, information on the application form to be placed on the disassociated persons list is exempt from disclosure under the Freedom of Information Act and is not open for public inspection. The bill would extend this exemption to information contained on the application form requesting removal from the disassociated persons list.

MCL 432.225

BRIEF DISCUSSION:

Voluntarily placing oneself on a disassociated persons list is just one option for a person to manage a gambling disorder. Knowing that setting foot in any of the three Detroit casinos could lead to time in jail and criminal fines for trespassing, as well as the confiscation of any winnings, would seem to be a strong deterrent. However, the thought of never being able to go to one of the state-licensed casinos for life, not even to attend a concert or to join

friends for dinner at a restaurant on a casino's premises, may actually deter some from placing their names on the list. If a person could have the option of removing himself or herself from the list after five years, more may sign up for the self-imposed ban. During the five-year period, the person could seek treatment to overcome the addiction. Situations change, and treatment of an underlying condition may resolve the compulsion to gamble to the point of detriment to self and family. At the end of the five years, the person could decide whether to apply to be removed from the disassociated persons list.

As highlighted in committee testimony, compulsive gamblers are presented with many gambling opportunities outside of the three Detroit casinos—about two dozen Indian casinos, casinos in Canada and bordering states, and gambling meccas such as Las Vegas and Atlantic City. With the recent passage of legislation allowing for internet gaming, a person could stand outside any of the Detroit casinos and, by downloading an application to his or her phone, engage in some of the same gambling activities offered on the other side of the door.

Moreover, placement on the list does not ensure compliance. Even some who have gone to jail or been fined heavily have returned and been rearrested.

The disassociated persons list is but one tool to address a complicated issue, and allowing people to remove themselves from the list after being on it for five years would not in and of itself undermine a person's recovery efforts. That time frame could motivate some to place themselves on the list and work toward recovery during the five-year period. For those who do successfully manage or overcome their addiction, the benefit would be being able to enjoy the nongaming amenities that the casinos have to offer.

FISCAL IMPACT:

House Bill 4686 likely would increase administrative responsibilities for the Michigan Gaming Control Board. However, it is estimated that current appropriations and personnel are sufficient to accommodate any marginal costs.

According to the Michigan Gaming Control Board in March 2019, there are a little over 4,600 people on the disassociated persons list, and between 10 and 12 disassociated gamblers are discovered at the casinos each month. According to the most recent data available, approximately \$540,000 in winnings has been seized from persons on the disassociated persons list over the last five years. Since 2005, more than \$1.0 million has been seized and over 1,000 trespassing cases involving disassociated gamblers have been prosecuted.

To the extent that the bill reduces the number of individuals on the disassociated persons list and thereby reduces the amount of winnings that are seized from disassociated persons who return to the casino and win, the bill would reduce revenues to the Compulsive Gaming Prevention Fund.

The bill could also result in a decrease in costs for the state and for local units of government. There could be a decrease in costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in county jails and local misdemeanor probation supervision vary by jurisdiction. There could be a decrease in costs for local court systems, depending on how provisions of the bill affected court caseloads and related administrative costs. There could also be a decrease in penal fine revenues, which would decrease funding for public and county law libraries, the constitutionally designated recipients of those revenues.

POSITIONS:

A representative of the Michigan Gaming Control Board testified in support of the bill. (2-18-20)

A representative of the Michigan Association on Problem Gambling testified in support of the bill. (2-18-20)

The National Council on Problem Gambling indicated no position on the bill. (2-18-20)

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