

WASHINGTON COUNTY JUSTICE COURT, WASHINGTON COUNTY, UTAH
NOTIFICATION OF ENHANCEMENT – GAMBLING

Defendant: _____, Case No. _____

IF YOU ARE CONVICTED of any Class B Gambling related offense as checked below, this conviction may be used to make a later charge more serious by raising the classification of that offense. This form provides notification of the current provisions of Utah State Law regarding enhancement; minimum/maximum penalties applicable to the different classifications of offenses; and the specific elements of your current charges. It does not notify you of other collateral consequences.

ELEMENTS

[] Class B misdemeanor – Gambling 76-10-1102: It is unlawful for any person to: (a) participate in gambling, including any Internet or online gambling; (b) knowingly permit any gambling to be played, conducted, or dealt upon or in any real or personal property owned, rented, or under the control of the actor, whether in whole or in part; or (c) knowingly allow the use of any video gaming device that is: (i) in any business establishment or public place; and (ii) accessible for use by any person within the establishment or public place. ("Gambling" means risking anything of value for a return or risking anything of value upon the outcome of a contest, game, gaming scheme, or gaming device when the return or outcome: (i) is based upon an element of chance; and (ii) is in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome.)

[] Class B misdemeanor – Gambling Promotion 76-10-1104: It is unlawful for any person, if he derives or intends to derive an economic benefit other than personal winnings from gambling, to: (a) induce or aid another to engage in gambling; or (b) knowingly invest in, finance, own, control, supervise, manage, or participate in any gambling.

[] Class B misdemeanor – Possession of Gambling Device or Record 76-10-1105: It is unlawful for any person to possess a gambling device or record if he knowingly possesses it with intent to use it in gambling. ("Gambling device or record" means anything specifically designed for use in gambling or used primarily for gambling.)

ENHANCEMENT / PENALTIES

76-10-1102(2): Any person convicted of Gambling is: on a first conviction, guilty of a class B misdemeanor; and on a second or subsequent conviction guilty of a class A misdemeanor.

76-10-1104(2): Any person convicted of Gambling Promotion is: on a first conviction, guilty of a class B misdemeanor; on a second or subsequent conviction guilty of a third degree felony.

76-10-1105(2): Any person convicted of Possession of Gambling Device or Record is: on a first conviction, guilty of a class B misdemeanor; on a second conviction guilty of a class A misdemeanor; and on a third or subsequent conviction guilty of a third degree felony.

Minimum/Maximum Sentences

Class B Misdemeanor:	0 days to 6 months jail	AND/OR	\$0 to \$1,950 in fines and surcharges, plus interest
Class A Misdemeanor:	0 days to 1 year jail	AND/OR	\$0 to \$4,793 in fines and surcharges, plus interest
3 rd Degree Felony:	0 days to 5 years jail	AND/OR	\$0 to \$9,543 in fines and surcharges, plus interest

I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.

_____ (Date) _____ (Defendant's signature)