

238.995 Penalties.

- (1) Any person who willfully conducts without the required license any activity which under this chapter requires a license shall be guilty of a Class A misdemeanor.
- (2) Any person who makes any materially false or misleading statement in making application for licensure or in submitting reports required under this chapter, or any person who willfully fails to maintain records or make entries required under this chapter, or any person who willfully refuses to produce for inspection any books, documents, or records required under this chapter shall be guilty of a Class A misdemeanor.
- (3) (a) Any person who engages in conduct designed to corrupt the outcome of any charitable gaming activity with purpose to defraud or knowing that he is facilitating a fraud shall be guilty of a Class B misdemeanor unless:
 1. The amount involved is five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
 2. The amount involved is one thousand dollars (\$1,000) or more, in which case it is a Class D felony; or
 3. The person has three (3) or more convictions under subparagraph 1. of this paragraph within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered.
- (b) If any person commits two (2) or more separate offenses under paragraph (a) of this subsection within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge.
- (4) (a) Any person who knowingly diverts charitable gaming funds from legitimate charitable purpose or lawful expenses allowed under this chapter to his financial benefit or the financial benefit of another person shall be guilty of a Class B misdemeanor unless:
 1. The amount involved is five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
 2. The amount involved is one thousand dollars (\$1,000) or more, in which case it is a Class D felony; or
 3. The person has three (3) or more convictions under subparagraph 1. of this paragraph within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered.
- (b) If any person commits two (2) or more separate offenses under paragraph (a) of this subsection within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may

be aggregated for the purpose of determining the appropriate charge.

- (5) Any person who commits a second or subsequent offense within a five (5) year period under subsection (1) or (2) of this section shall be guilty of a Class D felony.
- (6) Nothing contained in this chapter shall prohibit prosecution of a violation under KRS Chapter 528 by the Attorney General, county attorneys, or Commonwealth's attorneys.
- (7) No person shall make or cause a false entry to be made in the business records of a charitable organization; alter, erase, obliterate, delete, remove, or destroy a true entry in the business records of a charitable organization; omit to make a true entry in the business records of a charitable organization in violation of a duty to do so that he or she knows to be imposed upon him or her by law or by the nature of his or her position; or prevent the making of a true entry or cause the omission thereof in the business records of a charitable organization.
- (8) Violation of subsection (7) of this section or falsifying business records of a charitable organization is a Class A misdemeanor.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 66, sec. 3, effective June 29, 2021. -- Amended 1996 Ky. Acts ch. 331, sec. 14, effective April 10, 1996. -- Created 1994 Ky. Acts ch. 66, sec. 16, effective March 16, 1994.