

CHAPTER 4.6. NON-PROFIT RAFFLE PROGRAM REGULATIONS

Chapter 9 of Part 1, Title 9, Penal Code (Section 320.5, Penal Code)

ARTICLE 1: TITLE, SCOPE, AND DEFINITIONS

Section 410. Title and Scope.

This chapter shall be known as the Department of Justice Regulations for the Non-Profit Raffle Program. These regulations implement, interpret and make specific the establishment of a registration and reporting program for specified non-profit organizations, as required by Penal Code section 320.5, enacted by statute in 2000 and effective July 1, 2001. These regulations apply to any eligible organization, as defined in Penal Code section 320.5(c), which conducts a raffle as defined in Penal Code section 320.5(b) on or after July 1, 2001.

NOTE: Authority cited: Section 320.5(h), Penal Code. Reference: Section 320.5, Penal Code.

Section 411. Definitions.

The following definitions shall be applicable when used in these regulations:

(a) “Administrative information” means any information maintained by the DOJ that is reasonably necessary for the DOJ to perform the duties required by Penal Code section 320.5. Such information includes, but is not limited to, the date a registration application or report is received, the date the registration takes effect, and the expiration date of the registration.

(b) “Attorney General” means the California Attorney General or any employee of the Attorney General acting under the authority of the Attorney General.

(c) “Department of Justice” means the California Department of Justice (“DOJ”) or any employee of the DOJ acting under the authority of the DOJ.

(d) “Eligible organization” means a private non-profit organization as defined in Penal Code section 320.5(c) and excludes those entities specified in Penal Code section 320.5(h).

(e) “Fee” means the fee established by the DOJ as authorized by Penal Code section 320.5(h).

(f) “Non-Profit Raffle Program” means all information, documents and other material filed with or maintained by the DOJ, including registration applications and electronic databases, reports and any processes, procedures or other means of effectuating the requirements of Penal Code section 320.5.

(g) “Raffle” is defined in Penal Code section 320.5(b).

(h) “Registrant” means an eligible organization which has filed an application to be registered in the Non-Profit Raffle Program.

(i) “Registration application” or “registration form” means Form ct-NRP-1 (5/2002) which is incorporated by reference.

(j) “Report” means the completed Form ct-NRP-2 (5/2002) (which is incorporated by reference) that has been signed by a responsible fiduciary of the registrant declaring that the information therein is true and complete.

NOTE: Authority cited: Section 320.5(h), Penal Code. Reference: Section 320.5, Penal Code.

ARTICLE 2. MANNER OF REGISTRATION, WHO MUST REGISTER, FEE FOR REGISTRATION

Section 415. Registration.

Every eligible organization shall, prior to conducting any raffle in California, be registered with the DOJ in the Non-Profit Raffle Program. The organization shall submit a registration application on Form ct-NRP-1 (5/2002), the form prescribed by the DOJ, which shall contain all of the information required, including a statement signed by a responsible fiduciary of the eligible organization (such as an officer or director of the organization), attesting that the information provided is true and correct. If the organization plans to conduct more than one raffle during the annual registration period (September 1 through August 31), it must indicate on the application form each date that it plans to conduct a raffle; however, if any date changes, the organization is not required to amend its application. Only one application is required during the annual registration period even if the organization conducts more than one raffle. The application shall be submitted in the manner required by these regulations. The registration application and the required fee shall be submitted to the address set forth in section 416.

The DOJ will establish an electronic form as a means of entering registration information via the Internet. An applicant who uses the Internet shall enter the required information electronically, print the form, sign it and submit it with the required fee to the address specified in section 416. The DOJ shall, after receipt of the registration application form, add to the registration application form any administrative information, as defined in section 411(a) of these regulations, which is reasonably necessary to administer or maintain the Program.

An eligible organization is not registered until it has received written confirmation from the DOJ as provided in section 422.

NOTE: Authority cited: Section 320.5(h), Penal Code. Reference: Section 320.5, Penal Code.

Section 416. Place of Filing.

The address to be used for delivery and receipt of mail, information, registration applications, amendments, fees, reports and other material required by Penal Code section 320.5 is:

DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
ATTN.: NON-PROFIT RAFFLE PROGRAM
1300 I STREET
P.O. Box 903447
SACRAMENTO, CA 94203-4470

The telephone number to be used for inquiries relating to the Non-Profit Raffle Program is (916) 445-2021.

NOTE: Authority cited: Section 320.5(h), Penal Code. Reference: Section 320.5, Penal Code.

Section 417. Time of Registration.

If an eligible organization expects to conduct a raffle between July 1, 2001 and August 31, 2002, it shall submit a registration application which shall be postmarked or hand-delivered to the address specified in section 416 no later than September 1, 2001. Thereafter, a completed registration form and registration fee must be submitted by September 1 of each year (i.e., September 1 through August 31) during which a raffle is expected to be conducted. If an eligible organization which is not registered determines after September 1 of any year that it will conduct a raffle during the year (September 1 through August 31), the organization shall submit its registration application at least 60 days before the date the raffle is held.

NOTE: Authority cited: Section 320.5(h), Penal Code. Reference: Section 320.5, Penal Code.

Section 418. Fee for Registration.

The registration fee shall be determined by the DOJ. The fee is \$20 for the initial one-year registration period. As provided in section 320.5 of the Penal Code, the fee may be increased as necessary to cover the actual costs of the Department of Justice to administer and enforce Penal Code section 320.5.

NOTE: Authority cited: Section 320.5(h), Penal Code. Reference: Section 320.5, Penal Code.

Section 419. Registration Applications–Time for Processing.

(a) Within 30 calendar days after the date of receipt of a registration application, the DOJ shall either inform the applicant, in writing, that the application is complete and accepted for filing, or shall return the application as deficient and specify how the application is deficient and what information is required. If an application is returned because it is deficient, any fee submitted shall also be returned.

(b) Within 30 calendar days after the date of receipt of a completed application, including the required fee, the DOJ shall reach a decision whether to issue or deny the registration, unless the time is waived by the applicant, and shall inform the applicant in writing of the decision.

NOTE: Authority cited: Section 15376, Government Code; and Section 320.5, Penal Code.

Reference: Section 15376, Government Code; and Section 320.5, Penal Code.

Section 419.1 Appeal Process.

(a) If the DOJ fails to meet the time periods for concluding the processing of an application, the applicant may apply in writing for a full refund of the application fee. The request must be received by the DOJ within 20 calendar days from the date of mailing of the final decision granting or denying the application.

(b) The DOJ shall respond within 15 calendar days from the date of receipt of a request for a refund.

(c) If the refund is denied, the applicant may directly appeal the denial in writing to the Attorney General. The appeal must be filed within 25 calendar days from the date of mailing of the denial of the refund. The appeal shall set forth a short statement of facts and a chronology of

events regarding the application.

(d) The appeal in subsection (c) of this section will be promptly reviewed, and a decision will be issued within 30 calendar days from the completion of any investigation which the Attorney General deems appropriate. The appeal in subsection (c) of this section will be decided in the applicant's favor if the DOJ has exceeded its maximum time period for the issuance or denial of the registration application, and the DOJ has failed to establish good cause for exceeding this time period.

(e) The DOJ will provide information regarding this appeal process on the registration application Form ct-NRP-1 (5/2002).

NOTE: Authority cited: Section 15378, Government Code; and Section 320.5, Penal Code.

Reference: Section 15378, Government Code; and Section 320.5, Penal Code.

Section 419.2 Denial, Revocation or Suspension of Registration

(a) The DOJ may deny any registration application and may revoke or suspend any registration it has issued if the applicant:

(1) Submits false or misleading information in the application.

(2) Fails to meet or comply with any requirements set forth in Penal Code section 320.5 or these regulations.

(3) Engages in any conduct that is not in the best interests of the public's health, safety or general welfare.

(b) If the DOJ denies an application or revokes or suspends a registration it has issued, the DOJ shall inform the applicant in writing of the reasons for the denial, revocation or suspension.

(c) The eligible organization may reapply when it has remedied the matters which caused the denial, revocation or suspension.

NOTE: Authority cited: Section 320.5(h), Penal Code. Reference: Section 320.5, Penal Code.

Section 419.3 Appeal of Denial, Revocation or Suspension

Each denial, revocation, or suspension of a registration, or any other administrative action taken against an applicant or registrant, shall be subject to Penal Code section 320.5(j).

NOTE: Authority cited: Section 320.5(h), Penal Code. Reference: Section 320.5, Penal Code.

Section 420. Reporting Requirements.

Every eligible organization that is registered shall file, on or before September 1 of each year, a report for each raffle conducted which shall contain all of the required information, including a statement signed by a responsible fiduciary of the eligible organization attesting that the information provided is true and correct. The report shall be filed with the DOJ at the address set forth in section 416 on Form ct-NRP-2 (5/2002) in the manner required by these regulations. If an organization conducted more than one raffle during the reporting year, it must file a report on each raffle, but a report may be filed individually at anytime during the year or all the reports may be filed at the same time so long as they are filed on or before September 1.

The DOJ will establish an electronic means of providing the reporting information via the Internet. A registrant who uses the Internet shall enter the required information on the electronic

form, print the form, sign it and submit it to the address specified in section 416. The DOJ shall, after receipt of the report form, add to the report form any administrative information, as defined in section 411(a) of these regulations.

NOTE: Authority cited: Section 320.5(h), Penal Code. Reference: Section 320.5, Penal Code.

ARTICLE 3. CONTENTS OF AND ACCESS TO THE NON-PROFIT RAFFLE PROGRAM

Section 421. Non-Profit Raffle Program.

The DOJ shall maintain copies of all registration applications accepted for filing and copies of all reports provided pursuant to section 320.5 of the Penal Code, which together shall constitute the Non-Profit Raffle Program required by section 320.5 of the Penal Code. The DOJ may retain the foregoing information in electronic form so long as actual copies are archived and retrievable for the period prescribed by law.

NOTE: Authority cited: Section 320.5(h), Penal Code. Reference: Section 320.5, Penal Code.

Section 422. Proof of Registration.

After the DOJ has approved a registration application, the DOJ shall provide written confirmation to the eligible organization that it is registered.

NOTE: Authority cited: Section 320.5(h), Penal Code. Reference: Section 320.5, Penal Code.

Section 423. Conduct of Raffles.

After July 1, 2001, a raffle may be conducted by an eligible organization, provided the organization is registered with the DOJ as provided in section 320.5 of the Penal Code and these regulations.

NOTE: Authority cited: Section 320.5(h), Penal Code. Reference: Sections 320.5, Penal Code.

ARTICLE 4. PENALTIES FOR FALSE REGISTRATION OR MISREPRESENTATION

Section 424. Penalties for False Registration or Misrepresentation.

An eligible organization that submits false or misleading information in the registration application, or fails to provide required information in either the registration form or the raffle report form shall be subject to denial, revocation or suspension of its registration. Each instance of a misrepresentation, submission of false information, or failure to submit required information in the registration or reporting process shall constitute a separate violation.

NOTE: Authority cited: Section 320.5(h), Penal Code. Reference: Section 320.5, Penal Code.

ARTICLE 5. MISCELLANEOUS PROVISIONS

Section 425. Requests by Attorney General.

Eligible organizations shall furnish all information, documents and other records requested by the DOJ pursuant to Penal Code section 320.5(h) in order to establish and maintain the Non-Profit Raffle Program.

NOTE: Authority cited: Section 320.5(h), Penal Code. Reference: Section 320.5, Penal Code.

Section 426. Inquiries and Investigations.

Eligible organizations shall cooperate fully with any inquiry or investigation that may be undertaken by the Attorney General to enforce the provisions of Penal Code section 320.5.

NOTE: Authority cited: Section 320.5(h), Penal Code. Reference: Section 320.5, Penal Code.