



# House of Representatives

General Assembly

**File No. 323**

January Session, 2007

Substitute House Bill No. 5972

*House of Representatives, April 4, 2007*

The Committee on General Law reported through REP. STONE of the 9th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE RESALE OF TICKETS TO ENTERTAINMENT EVENTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-141 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) A person is guilty of criminal simulation when: (1) With intent to  
4 defraud, he makes or alters any object in such manner that it appears  
5 to have an antiquity, rarity, source or authorship which it does not in  
6 fact possess; or (2) with knowledge of its true character and with intent  
7 to defraud, he issues or possesses an object so simulated.

8 (b) Criminal simulation is a class [A misdemeanor] D felony.

9 Sec. 2. (NEW) (*Effective October 1, 2007*) (a) Any person who resells a  
10 ticket to an entertainment event, including, but not limited to, a  
11 sporting event, a concert or a theatrical or an operatic performance,  
12 shall refund the purchaser of such ticket the full amount, including all

13 service fees and delivery charges paid by the purchaser for such ticket  
14 if any of the following occurs: (1) The event for which the ticket is  
15 resold is cancelled, (2) the ticket received by the purchaser does not  
16 grant the purchaser admission to the event described on the ticket, or  
17 (3) the ticket fails to conform to its description as advertised by the  
18 ticket reseller.

19 (b) A person who resells a ticket pursuant to subsection (a) of this  
20 section shall provide the purchaser of such ticket such reseller's name,  
21 address and telephone number or other information necessary to allow  
22 such purchaser to contact such reseller to obtain a refund of such ticket  
23 price, if necessary.

24 (c) A violation of subdivision (1) or (2) of subsection (a) of this  
25 section or of subsection (b) of this section is a class B misdemeanor.

26 Sec. 3. (NEW) (*Effective October 1, 2007*) (a) No person shall resell,  
27 offer to resell or solicit the resale of a ticket to an entertainment event,  
28 including, but not limited to, a sporting event, a concert, or a theatrical  
29 or an operatic performance, on the day of such event, within one  
30 thousand five hundred feet from the physical structure where such  
31 event is scheduled to take place, if such resale is not authorized, in  
32 writing, by the owner or operator of such structure or event or a duly  
33 authorized agent of such owner or operator.

34 (b) The provisions of subsection (a) of this section do not apply to:  
35 (1) A ticket reseller who resells a ticket for not greater than the face  
36 value printed on the ticket, or (2) a ticket reseller who maintains a  
37 permanent office within one thousand five hundred feet of the  
38 physical structure where the entertainment event is scheduled to take  
39 place.

40 (c) A violation of subsection (a) of this section is a class A  
41 misdemeanor.

42 Sec. 4. Section 53-289 of the general statutes is repealed. (*Effective*  
43 *October 1, 2007*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	53a-141
Sec. 2	<i>October 1, 2007</i>	New section
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	Repealer section

**GL**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 08 \$</b>	<b>FY 09 \$</b>
Judicial Dept.	GF - Potential Revenue Gain	Minimal	Minimal
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential	Potential

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill increases the penalty for criminal simulation. In FY 06, there were seven such offenses filed with the superior court, three of which resulted in convictions. To the extent that the bill's change increases the likelihood that future offenders would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exist. It is anticipated that relatively few fines would be imposed on an annual basis, and, consequently, any revenue gain under the bill is expected to be minimal.

The bill also establishes two new crimes related to the reselling of tickets. Any revenue gain from criminal fines under these provisions is anticipated to be minimal. To the extent that offenders are prosecuted criminally and subsequently convicted or plead guilty, the state could incur a cost associated with incarceration and/or probation supervision in the community. On average, it costs the state approximately \$2,500 annually to supervise an offender on probation in the community as compared to \$41,600 to incarcerate the offender (note that both figures include fringe benefits).

***The Out Years***

The annualized cost identified above would continue into the future subject to inflation. Revenues from criminal fines would remain relatively constant since they are set by statute.

**OLR Bill Analysis**

**sHB 5972**

***AN ACT CONCERNING THE RESALE OF TICKETS TO ENTERTAINMENT EVENTS.***

**SUMMARY:**

This bill (1) eliminates the \$3 cap on a ticket reseller's service charge, (2) requires ticket resellers to provide refunds if (a) the event is cancelled or (b) the ticket does not grant admission to the event or is not as advertised, and (3) generally prohibits reselling tickets within 1,500 feet of an event on the day of the event.

In addition, the bill increases the penalty for criminal simulation.

EFFECTIVE DATE: October 1, 2007

**ELIMINATED SERVICE CHARGE CAP**

The bill eliminates the prohibition against selling, offering to sell, or attempting to sell tickets to sporting or entertainment events to be held in Connecticut at a price greater than \$3 above the price, including tax, printed on the face of the ticket. Current law, eliminated by the bill, allows an owner to authorize someone to sell tickets at a price above the cap. A violator is guilty of ticket scalping. A first offense is a class C misdemeanor (see BACKGROUND). A second offense is a class A misdemeanor. Any subsequent offense is a class D felony. The sale of each ticket constitutes a separate offense.

**REFUNDS**

The bill requires a reseller of a ticket to an entertainment event to refund the purchase price if (1) the event is cancelled, (2) the ticket received by the purchaser does not grant admission to the event described on the ticket, or (3) the ticket fails to conform to the reseller's advertisement of it. It defines "entertainment event" as including

sporting events, concerts, or theatrical or operatic performances. The refunded amount must include all service fees and delivery charges paid by the purchaser. The bill requires resellers to provide each purchaser with the reseller's name, address, telephone number, or other information needed to allow the purchaser contact the reseller to obtain a refund, if necessary. Someone who fails to give a refund if the event is cancelled or the ticket does not grant admission to the event commits a class B misdemeanor.

### **RESELLING RESTRICTIONS**

The bill prohibits reselling, offering to resell, or soliciting the resale of a ticket to an entertainment event on the day of the event, within 1,500 feet of the physical structure in which the entertainment event takes place. But it allows the owner or operator of the structure or the event, or a duly authorized agent, to authorize resale in writing. The restriction also does not apply to a ticket reseller who (1) resells a ticket for no more than face value or (2) has a permanent office within 1,500 feet of the structure. Someone who violates these restrictions commits a class A misdemeanor.

### **CRIMINAL SIMULATION**

The bill increases the penalty for criminal simulation by reclassifying it from a class A misdemeanor to a class D felony. Criminal simulation is when (1) with intent to defraud, someone makes or alters an object in a way to make it appear to have an antiquity, rarity, source, or authorship that it does not have or (2) with knowledge of its true character and with intent to defraud, someone issues or possesses an object so simulated.

### **BACKGROUND**

#### ***Penalties***

<b><i>Classification of Crime</i></b>	<b><i>Imprisonment</i></b>	<b><i>Fine</i></b>
Class D felony	1 to 5 years	Up to \$5,000

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Class A misdemeanor	Up to 1 year	Up to 2,000
Class B misdemeanor	Up to 6 months	Up to 1,000
Class C misdemeanor	Up to 3 months	Up to 500

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/14/2007)