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Christie Administration Takes Action to Allow Legal Sports Wagering in New Jersey

Monday, September 8, 2014

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Trenton, NJ – Through a combined Statewide Directive issued by the Attorney General's office and a motion filed on behalf of Governor Christie in the U.S. District Court, the Christie Administration took action today to allow casinos and racetracks to operate sports pools without fear of criminal or civil liability.

The Attorney General's Statewide Directive follows the Third Circuit's ruling and concludes that nothing under New Jersey law prevents casinos and racetracks from operating a sports pool effective today.

The motion in federal court, filed on behalf of Governor Christie, asks Judge Shipp to clarify or modify his February 2013 injunction in conformance with the decision of the Third Circuit. Based on the arguments of the sports leagues and the United States Department of Justice, the Third Circuit has already ruled that New Jersey can carry out sports wagering as described in today's Statewide Directive. The motion simply would clarify and formalize that authority and give clear guidance to casinos and racetracks waiting to open a sports pool in New Jersey.

In 2012 New Jersey passed the Sports Wagering Act to license and regulate the extensive sports wagering that already was going on within the State. New Jersey was then sued in federal court based on a statute from 1992 -- the federal Professional and Amateur Sports Protection Act (PASPA) -- which prohibits the State from authorizing or licensing sports betting. Relying on PASPA, U.S. District Court Judge Michael Shipp issued an injunction in February 2013 enjoining the imposition of New Jersey's comprehensive licensing and oversight regime.

The Third Circuit Court of Appeals subsequently upheld the District Court's action, but, at the same time, made clear that New Jersey was free to remove prohibitions against sports wagering. The Third Circuit's decision mirrored the express arguments of both the sports leagues and the United States Department of Justice, both of which stated that nothing in PASPA prohibited New Jersey from removing its prohibitions against sports wagering.

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