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Re-interpreting and Amending the Wire Act and the Unlawful Gambling Enforcement Act to Address Modern Forms of Online Gambling

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INTRODUCTION

Two current laws that address gambling activities are the Wire Act1 and the Unlawful Internet Gambling Enforcement Act2 (UIGEA). Both Acts are similar in that their history, application, and current overall strength are somewhat dim. For over a year now, the video streaming platform Twitch.com has developed a close relationship with online casino gambling sites. There is a large amount of business done between high earning Twitch streamers and online casino gambling sites.3 Many of these online casino sites are located offshore because the types of gaming practices they are engaged in are illegal in the U.S. However, they are still managing to make money from U.S. residents. Because of technological advancements, such as cryptocurrencies and virtual private networks (VPNs), these online practices have not been heavily regulated as of this point. The need to address these practices to protect U.S. residents, especially young people, is evident. This note will first provide background on two current laws that regulate gambling. Next, it will provide background on gambling and how gambling works on Twitch. Then, it will explain re-interpreting the Wire Act, followed by an analysis of amending the Wire Act and the UIGEA.

1 Transmission of Wagering Information Act, 18 U.S.C. § 1084 (1961).

2 31 U.S.C. §§5361-5367 (2006).

3 Nicolas Perez, On Twitch, Online Casino Streamers Promote Gambling to Their Audience While Taking on Little Risk, PASTE MAGAZINE (Dec. 21, 2020), https://www.pastemagazine.com/games/twitch/twitch-online-casino- streamers/.

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