

# The Constitutionality of Mobile Sports Wagering in New York State

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As the 2020 legislative session in New York state gets under way, one of the topics on the agenda is sure to be whether New York will for the first time allow New Yorkers to engage in mobile sports betting. In that context, whether the Legislature even has the power to legalize mobile sports wagering, in light of the restrictions on gambling set forth in the state's Constitution, is an issue that will be front and center. Ultimately, looking to the traditional methods of constitutional interpretation, the state Constitution should not be construed to bar mobile sports wagering in New York State; the Legislature should be free to offer it.

Currently, New York law does not allow mobile sports wagering, unlike the laws of an increasing number of states. But as the Legislature takes up this important issue, the questions surrounding whether New York should authorize mobile sports gambling should ultimately be ones of policy, not constitutionality. Mobile sports wagering can be authorized in New York state consistent with the state Constitution.

Mylan Denerstein, Akiva Shapiro and Lee Crain discuss these developments in their article, which was published in the *New York Law Journal*:

## [The Constitutionality of Mobile Sports Wagering in New York State](#) *(click on link)*

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Gibson, Dunn & Crutcher's lawyers are available to assist with any questions you may have regarding these issues. Please feel free to contact the Gibson Dunn lawyer with whom you usually work, or the authors in New York:

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