

VOLUME NO. 43

OPINION NO. 39

GAMBLING - "Crane games" as illegal gambling devices;
MONTANA CODE ANNOTATED - Sections 23-5-111, 23-5-112(10), 23-5-112(11);
MONTANA LAWS OF 1989 - Chapter 642.

HELD: "Crane games" are "gambling devices" utilized for "gambling activity" and because such devices are not clearly authorized by Montana law, they are prohibited.

October 3, 1989

Robert L. Deschamps III
Missoula County Attorney
Missoula County Courthouse
Missoula MT 59802

Dear Mr. Deschamps:

You have asked my opinion on the question of whether "crane machines," "crane games," or "skill cranes" are prohibited gambling devices under Montana law.

As you know, on October 1, 1989, it became the responsibility of the Department of Justice to regulate almost all gambling activities in the state of Montana (1989 Mont. laws, ch. 642). The Legislature, in imposing that responsibility, mandated that the gambling laws must be strictly construed by the Department "to allow only those types of gambling and gambling activity that are specifically and clearly allowed" by law. § 23-5-111, MCA. "Crane games," "crane machines," or "skill cranes" are not specifically and clearly authorized by law. As a result, if such games, machines, or devices involve a gambling activity, the statutes would not permit their use in Montana.

In reviewing the definitions of the new gambling law, a "gambling device" is a mechanical, electromechanical, or electronic device used or intended for use in an activity where money, or any other thing of value, is risked for a gain that is contingent in whole or in part upon lot or chance (§ 23-5-112(10), (11), MCA). It is my understanding that a crane game, or similar device, regardless of its name, involves the operation of a mechanical, electromechanical, or electronic device where money or some other thing of value is risked for a gain, namely the award of a prize (other than the chance to win a replay), and that the gain is contingent in whole or in part upon lot or chance.

Thus, a "crane game," "crane machine," or "skill crane" is a "gambling device" utilized for "gambling activity" as those terms are defined in the new gambling statutes. Because such machines or devices are not clearly and specifically authorized by law, I must conclude that they are prohibited.

THEREFORE, IT IS MY OPINION:

"Crane games" are "gambling devices" utilized for "gambling activity" and because such devices are not clearly authorized by Montana law, they are prohibited.

Sincerely,

MARC RACICOT
Attorney General