[^0]gambieg ganes provided for in this act to be conducted on preaises wich bave been licensed for the sale of liquor, beer, food, cigarettes or any other consumable products. Githin the cities or towns, such licenses may be issued by the city or toun council or comission. Licenses for ganes conducted on presises outside the limits of any city or tovn may be issued by the county commissioners of the respective counties. When a license has been required by any city, toun, or county, no femblifg game as provided for in this act shall be conducted on any prenises wich bave been licensed for the sale of liquor, beer, food, cigarettes, or any other consumable product witbout such license having first been obtained.
(2) any governing body may charge an annual license fee for each license so issued under this act, which license fee, if any, shall expire on June 30 of each year, and such fee shall be prorated.
(3) Any license issued pursuagt to this act shall be deened to be a revocable prifilege, and no holder thereof thatl way acquire any vested rights therein or thereunder."

Section 3. Section 62-708, R.C.A. 1947. is amended to read as follows:
"62-708. Goveraing body may establish regulations. The goveraing body authorized to issue gambing licenses pursuant to this act ehaty-hare-the-athefity-to may
establish by ordinance or resolution regulations governing the qualifications for and the issuing, suspension ${ }_{+}$and revocation of such gambing licenses. These regulaticns, in addition to any other requirements, shall provide that no license ohall may be issued to:
+r111 A a person who has been convicted of being the keeper or is keeping a house of ill-faer prostitationi
Z.121 A a person who has been conviated of pandering or other crime or aisdemeanor opposed to decency and vorainty. under the laus of the federal government or any state of the United States.i

3 (31 $*$ a person whose license issuea under this act has been revoked for causeri
4. (4) A a person who at the tise of application for reneval of any license issued hereunder would not be eligible for such license upon a first application*i
5.(5) $\#$ a person who is not a citizen of the onited States and who has not been a resident of the state of Montana for at least ene-fif year insediately preceding the filing of the application for licenseri

6-f6l a person who is not the owner and operator of the business. Additional regulations may also be adopted for the purpose of the protection of the public health, velfares and safety of the citizens of the state of Montana and to assure conpliance vith the intent of this act."

Section 4. Section 62-709, R.C.f. 1947, is amended to read as follows:
"62-709. Minors may not participate. No person under the age of pigeen- $18+$ years matl nay be pernitted to
 operated or condacted pursuant to this act."

Section 5. Section 62-710, R.C.A. 1947, is amended to read as follous:
"62-7T0. Cheating unlauful. It shall be unlauful to conduct or participate in a gambing card game authorized by
 results in cheating, nisrepresentation or other such disreputable tactics which distract fron a falr and equal chance for all participants or which otherwise affects the outcone of the gatimy gane."

Section 6. Section 62-713. R.C. A. 1947, is anended to read as follows:
"62-713. Verter Jurisdictione Ferwe jurisdiction for all cases involving violations of this act is in the district court."

Section 7. There is a new R.C. H. section that reads as follows:

Bingo and raffles anthorized. conducting or participating in games of chance as defined in 62-716 and in accordance with the provistons of this act is lawful.

Section B. Section 62-719. B.C. A. 1947, is amended to read as follows:
"62-719. Local governing bodies may issue licenses. (1) Any city, town or county may issue licenses for the gabling gapes gf chance provided for in this act to be conducted on premises uhich have been licensed for the sale of liquor, beer, food, cigarettes, or any other consunable products. yithin the cities or towns, such licenses may be issued by the city or town council or conmission. Licenses for games conducted on premises outside the linits of any city or town may be issued by the county conmissioners of the respective counties. When a license has been regnired by any city. town. or county, no gamblig gane of chance as provided for in this act ball nay be condacted on any premises which have been licensed for the sale of liquor beer, food, cigarettes, or any other consumable product without such license having first been obtained.
(2) Any governing body may charge an annual license fee for each license so issued under this act, which license fee, if any, shall expire on June 30 of each year, and such fee shall be prorated.
(3) Any license issued pursuant to this act shall be considered to be a revocable privilege, and no holder thereof aty acquire any vested rights therein or thereunder."

Section 9. Section 62-720, F.C.M. 1947, is anended to read as follows:
"62-720. Governing body way establish regulations. S1L The governing body authorized to issue ganbling licenses pursuant to this act ehaly ware-the-8atherity-to nay establish by ordinance or resolation regulations goveraing the qualifications for the revocation of such gambling licenses. Tbese regulations, in addition to any other requirements, shall provide that no license etalt aly be issued to:

H(a) $\quad$ a person who has been convicted of being the keeper or is keeping a bouse of ith-ter prostitution:

+ (2) (b) a person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality, under the laws of the federal government or any state of the pnited statesti
(みic) $A$ a person whose license issued under this act has been revoked for causer:
$\left.\mathrm{f}^{4}+\mathrm{dd}\right) A$ a person who at the time of application for reneval of any license issued hereunder would not be eligible for such license upon a first applicationmi
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46+(E) A a person who is nct the ovner and operator of the business.
(2) Additional regulations ay also be adopted for the purpose of the protection of the public health, velfare and safety of the citizens of the state of montana and to assure compliance with the intent of this act."

Section 10. Section 62-724, R.C. H. 1947, is amended to read as follows:
m62-724. Gambling on cash basis. (1) In every gambiay gaテe of chance Genducted-purotant-to-anl-9ambling-law-of-the Gtate the consideration paid for the chance to play shall be strictly cash. Every participant must present the money with which he intends to play the gatiag gane at the tiae the gane is played. No check, credit card, note, forbo roge or other evidence of indebtedness shall be offered or accepted as part of the price of participation in such game or as payment of a gambieg debt incurred therein.
(2) Ho action based on such a gaebling debt is saintainable in a court of this state."

Section 11. Section 62-725, R.C. H. 1947, is amended to read as follous:
"62-725. Cheating unlawful. It shall be unlawful to conduct or participate in a gane of chance authorized by this act an-any-othef-gambiny-zu in any manner which results in cheating, misrepresentations or
other such disreputable tactics which distract from a fair and equal chance for all participants or which otherwise affects the outcome of the gablif game."

Section 12. There is a new R.C.M. section that reads as follows:
sports pools authorized. Conducting or participating in sports pools as aefined and governed in this act is lavful.

Section 13. Section 62-729, f.C. H. 1947, is anended to read as follous:
"62-729. Gawbling on cash basis. (1) In every gatbling
 sports pool the consideration paid for the chance to play shall be strictly cash. Every participant must present the noney with which he inteads to play the gatibling-gate at the tise the gave pool is plafed entered. No check, credit card.
 offered or accepted as part of the price of participating in

(2) No action based on a Sports_pool is maintainable in a court of this state."
section 14. Section 62-730, R.C.A. 1947, is anended to read as follows:
"62-730. Minors may not participate. No person under the age of eigheent years shaty nay be pernitted to participate in any


Section 18. Section 94-8-302, R.C.A. 1947, is amended to read as follows:
 enteplated-by-at, when Application. This aet part shall not apply to the provisions_of_62-715_throunh 62-726 or to the giving away of cash or merchandise attendance prizes or premiums by public drawings at agricultural fairs cr rodeo associations in this state, and the county fair comissioners of agricultural fairs or rodeo associations in this state may give avay at such fairs cash or merchandise attendance prizes or premiuns by public drawings.*

Section 19. Section 94-8-401. B.C. H. 1947, is amended to read as follovs:
n94-8-409. Gambing games prohibited - penalty -




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. equigaent or apgatatus for such gaipling_or any misdeneanor and is punishable by a fine of not less than $\$ 100$ or more than $\$ 1$. 000 or ipprisongent jot less than 3 months of rore than 1 year or by both such fine and ingrisongenta ${ }^{\prime \prime}$

Section 20. Section 94-8-404, A.C.h. 1947, is amended
n94-8-404. Possession of gabbling implements prohibited. Any person who has in his possessiont or under his controly or who peraits to be placed, maintained ${ }_{2}$ or kept in any roon, space, inclosare or buildingt owned, leased or occupied by hint or under his management or controly any faro bor, faro layout, roulette wheel, roulette , crap table, stot achine or any machine or apparatus 94-8-401 is punishable by a fine of not less than
 and way be imprisoned for not less than 3 wonths mex gr more than 1 year in the discretion of the courtta provided, that this section shall not apply to a public officer or to a person couing into possession duty and holding the same to be disposed of according to law."

Section 21. Section 94-8-411, R.C. A. 1947, is amended to read as follows:
n94-8-411. Duty of magistrate to retain gambling impleaent or apparatus for trial. The magistrate before who any machine, apparatus, or instrument is bronght pursuant to the-peeding beetion $94-8-410$ ust, if there is a prisoner and if he ondthot holds such prisoner, cause the machine, apparatus, or instrument to be delivered to the county attorney to be used as evidence on the trial of such prisoner. If there is no prisonery or if the nagistrate does not hold the prisoner, the the mistrate must cause the innediate and public destruction of the achine, apparatus,
 person owning or claiaing to oun any such machine, apparatus, or instrument so destroyed, efallymere has any right of action against any person or against the state, county, or city for the value of such articley or for danages. It the is the duty of the countr attorney to produce such articles in court on the trial of the case. It Etalz-be is the duty of the trial court. after the disposition of the caser and vhether the defendant is convicted, acquitted, or fails to appear for trial, to cause the inmediate and fublic destruction of a $a y$ such article by the sheriff or any other officer or person designated by the court."

Section 22. Section 94-8-413. B.C. 4 . 1947, is avended to read as follows:
"94-8-413. Authority to break and enter builaings where games are probably being played. Every sheriff, constable and puble peace officer, having probable cause to believe that any roon, tent, or apartment is being used as a room. tent, or apartaent for the playing or conducting of any of the ganes mentioned in this act, ftall-kate-antherity te nay break opeb any doory or opening into any such room, tent, or apartment, with or without a warrant of arrest, for the purpose of arresting the offenders against this act."

Section 23. Section 94-8-422, R.C.M. 1947, is amended to read as follous:
"94-8-422. Lessor of buildings used for ganbling parposes treated as principal. Whenever prenises are occupied for the doing of any of the thingst or running any of the games prohibited by this aet part, the lease or agreement under wich they are so occupied shall be absolutely void at the instance of the lessor, who may at any tiwe obtain possession by civil actiony or by action of fercible nulayful detainert. and-if If any person tease leases premises for any sucb purposer or knowingly permits then to be used or occupied for such purpose or purposest ors knoving them to be so occupied or used, fails inmediately to prosecutey in good faith an action or
proceeding for the recovery of the preaises, such lessor shall be considered in all cases, civil and criminal, as a principal in running the ganes or doing the things run or done in such buildingy in violation of this and shall be dealt with and punished accordingly."

Section 24. Section 94-8-424, R.C.B. 1947, is amended to read as follovs:
"94-8-424. orainances conceraing gagbling iontice


 ineporatime-and-woid, and-thereaftex--me No ordinance regarding ganbling or gambling houses otat nay be passed by any city or town except in conpliance with 62-701 through 62-736."

Section 25. Section 94-8-429, R.C.M. 1947. is anended to read as follows:
"94-8-429. Slot achine defined. $A$ slot machine is bafeby defined as a machine operated by inserting a coin, token, chip. of trade check, or paper_currency therein by the player and from the play of wich he obtainsy or may obtain, money, checks, chips ef tokens $\boldsymbol{L}_{\mathcal{L}}$ or paper curcency redeemable in money, ferchandise vending machines where the element of chance does not enter into their operation are not within the provisions of this act part."

Section 26. Section 94-8-430, B.C.B. 1947, is amended to read as follows:
"94-8-430. Person or persons defined. In addition to their ordinary meauing, the word "person" or "personst" as used in this part, ehationelwe includes both natural and artificial persons and all partnerships, corporations, associations, clubs, fraternal orders and societies, incluting religious, fraternal\& and charitable organizations."

Section 27. Bepealer. Sections 84-5703 through 84-5799, 94-8-402, 94-8-403. 94-8-425, 94-8-426, and 94-8-427. R.C. M. 1947, are repealed.

- Bn d-

ROBERTL. MARKS CHAIRMAN
;RANCIS BARDANOUVE

## OSCAR KVAALEN

PAT MC KITTRICK

## ROSE WEBER

EXECUTIVE DIRECTOR
PAMELA DUENSING ADMINISTRATIVE ASSIGTANT

ROBERTA MOODY GUPERVISOR, ALTER BYGTEM


State Clapital
Helma, fyand
gENATE MEMBERS
NEIL J. LYNCH
VICE CHAIRMAN
GLEN DRAKE
CARROLL GRAHAM
FRANK HAZELBAKER

DIANA DOWLING
DIRECTOR, LEGAL SERVICES: CODE COMMISSIONER

ROBERT PERSON
DIRECTOR, RESEARCH
LC 0007

1977 Legislature
Code Commissioner Bill - Summary
Senate Bill No. 9
FOR THE GENERAL REVISION OF LAWS RELATING TO GAMBLING
(This summary does not include discussion of routine form or grammatical changes.)

Section 1. 62-706. "Gambling games" is undefined in the code, and it is unclear as to what it applies, especially since the term is used loosely with respect to all three types of authorized games, i.e., card games, bingo and raffles, and sports pools. Because each of the three acts establishing the above authorized games is an autonomous unit and sections in each act exactly duplicate sections in the other acts, it was felt that it would be best to replace "gambling games" with the respective game concerned, each of which is specifically defined in its respective act. Then there could be no confusion as to the definition of "gambling game", and the sections would not appear to merely duplicate each other. Hence "gambling game" in this section is changed to "authorized card game".

Section 2. 62-707. Same change as in section 1.
Section 3. 62-708. Changed "house of ill fame", which is undefined in the code, to "house of prostitution", prostitution being defined in the criminal code.

Section 4. 62-709. Same change as section 1 .
Section 5. 62-710. Same change as section 1.
Section 6. 62-713. Changed "venue" to "jurisdiction" to correct apparent error.

Section 7. The act concerning bingo and raffles defines those games and specifies how they shall be conducted, implying that such games are authorized. However, nowhere does the law say specifically that such games are authorized. This new section gives such authorization.

Section 8. 62-719. Changed "gambling games" to "games of chance", defined in 62-7l6 as bingo or raffles. See explanation of section 1 .

Section 9. 62-720. Changed "house of ill fame" to "house of prostitution". See section 3 explanation.

Section 10. 62-724. Changed "gambling game" to "games of chance". See section 1 explanation.

Section ll. 62-725. Changed "gambling game" to "game of chance". See section 1 explanation.

Section 12. Just as bingo and raffles are not specifically authorized, neither are sports pools specifically authorized. This new section gives that authority.

Section 13. 62-729. Changed "gambling game" to "sports pool". See section l explanation.

Section 14. 62-730. Changed "gambling game" to "sports pool". See section 1 explanation.

Section 15. 62-731. Changed "gambling game" to "sports pool". See section 1 explanation.

Section 16. 62-735. Changed "venue" to "jurisdiction" to correct apparent error.

Section 17. 94-8-301. Since raffles are specifically authorized in 62-715 through 62-726, the reference in this section to "raffles" has been deleted, even though lottery, which means the same thing, has been left. This change is not all-important, as 94-8-302 is being amended to specifically exempt the games under the bingo and raffles act from the category of illegal lotteries under 94-8-301 et. seq. However, such change might avoid possible argument over the legal definition of a "raffle" -- whether a raffle is that defined in 62-716(1) (b) or 94-8-301. The definitions are basically consistent.

Section 18. 94-8-302. Amended this section to specifically exclude 62-715 through 62-726, the bingo and raffles act, from the application of the illegal lotteries act, and also changed this "act" (Ch. 36, L. 1935) to this "part"

> (94-8-30l et. seg.). 94-8-302 was not part of the same act as the other sections in the part, however the exemptions it creates are definitely exemptions from the rest of the part. This is indicated in that $94-8-301$ was amended in the same bill in which $94-8-302$ was enacted, showing that this "part", rather than that 1935 act, was intended.

Section 19. 94-8-401. This is an 1895 statute which has been superseded to some degree by a later slot machine act (94-8-428 through 94-8-431) and by the authorized card games act (62-703(2)). Much of the section (that section in brackets) has been held unconsitutional under the 1889 constitution prohibiting gambling. Under Woodahl v. District Court, 511 P.2d 318, 162 Mont. 283 (1973) it is not revived by enactment of new constitution which would permit such gambling. Grammatically the section is a nightmare. A completely rewritten version is offered, which is a blanket prohibition of gambling with the exception of those games otherwise authorized by law. Although greatly simplified, this is basically the status of the law at the present time, albeit by implication, with the authorized card games act being given effect as an exception to 94-8-401.

Should the legislature not desire to rewrite the section the following changes at least are needed:
a) An exception clause to exempt 62-701 through 62-736 should be added.
b) The references to studhorse poker, pangeni, or pangene, draw poker, round the table poker, and slot machines should be deleted. (See 62-703(2), 94-8-428 through 94-8-431.)
c) The material in brackets should be deleted.

Section 20. 94-8-404. The reference to slot machines has been deleted, since 94-8-428 through 94-8-431 supersedes.

Section 21. 94-8-411. The second sentence is ambiguous as to who is to destroy the gambling apparatus, whether the magistrate, the county attorney, or the former prisoner. Apparently the "he" refers to "the magistrate", as any destruction of property should be done only at the order of a court. Changed "he" to "the magistrate".

Section 22. 94-8-413. Amended "public officer", which is undefined, to "peace officer", defined in 94-2-101(43). As indicated in 94-8410 a "public officer" seems to be one authorized to make arrests - hence equivalent to our current "peace officer".

Section 23. 94-8-422. The reference to "forcible detainer" appears inappropriate in light of 93-9702 which defines "forcible detainer" as the forceful or violent unlawful keeping of property. The appropriate reference seems to be "unlawful detainer", as defined in 93-9703. The section is amended accordingly.

Section 24. 94-8-424. The first half of the section is temporary and will not be recodified. The last half, which precludes city ordinances regarding gambling needs a proviso or exception in the case of card games, bingo, or raffles authorized by 62-701 through 62-726 since sections $62-707,62-708,62-719$ and 62-720 authorize cities to license and regulate those gambling activities.

Section 25. 94-8-429. Definition of slot machine is amended to include a machine operated by inserting paper currency as well as the "coin, token, chip, or trade check" mentioned in the section now.

Section 26. 94-8-430. Changed "act" to "part" to make definition of "person" apply to entire part (94-8-401 et. set.) rather than to 94-8-428 through 94-8-431, the sections which comprise "this act".

Section 27. Repealers.
84-5703 through 84-5717. These statutes authorizing taxation of punch board and trade stimulators were declared unconstitutional in State v. Tursch, 127 Mont. 504. The sections are specifically repealed.

84-5718, 84-5719. These sections refer to 84-5701 and 84-5702 which have been repealed. The sections have no application.

94-8-402, 94-8-403. These sections (and the part of 94-8-401 in brackets) were part of a 1937 act enacted under the old Montana Constitution prohibiting gambling. The act was declared unconstitutional in State ex rel Harrison $v$. Denniff, 126 Mont. 109 (1952). The legislature, however, refused or neglected to specifically repeal these sections. In 1973 it was argued in Woodahl v. District Court, 162 Mont. 283 (1973), that the new 1972 Constitution, in permitting gambling under certain circumstances operated to revive these sections formerly declared unconstitutional but remaining in the code. The Montana Supreme Court refused to buy the argument and held the statutes forever void. The change in the constitution did not revive the statutes. Hence the legislature should affirmatively clean these old statutes out of the code. If desired, new laws could, of course, be passed under the 1972 constitution to replace these old laws.

94-8-425, 94-8-426, 94-8-427. These sections state who is deemed a principal and provide a penalty and effective date for a 1909 law (later reenacted in 1915) which prohibited certain reporting, recording, or registering of bets or wagers on the outcome of any contest of speed or skill or endurance of any animal. The substance of this law has long since been repealed, but these sections were apparently overlooked.

It seems clear that the sections have no application to the current laws on gambling. First of all, the very language in each section, referring to "this act", when read with the section history, would reveal "this act" to be chapter 20, Laws 1909, and later chapter 55, Laws 1915. It could be argued that by reenactment in the 1921 recodification, or redesignation in the 1973 criminal code these sections were in effect reenacted and made applicable to all other sections reenacted or redesignated at the same time, i.e., the rest of the gambling laws. However, it is plain that the legislature did not consciously so intend. The language in 94-8-425 ". . . for the purpose of having bets or wagers made or reported or recorded or registered . . ." makes it clear that this section could only apply to the original act prohibiting such reporting or recording or registering. Also, each of the sections in 94-8-401 et. seq. which prohibits certain activity carries its own penalty provision, hence 94-8-426 cannot possibly be construed to be a general penalty provision applying to the entire part. And 94-8-427, providing for an immediate effective date, is in hopeless conflict with section 33, chapter 513, Laws 1973, providing an effective date for the criminal code of January $1,1974$.

These sections therefore, having no current application, are repealed.

SENATE BILL MO. 9
introdoced ei geatan
a bill for an act entitled: tan act for the griegal REVISION OF LAHS FELATIEG TO GABBLIBG."
be it enacted by tbe legislatube of the state of momtaya:
Section 1. Section 62-706, F.C. A. 1947, is anended to read as follows:
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S.ĺㄴ \(a\) a person whe is not a citizen of the onited States and who has not been a resident of the state of Montana for at least fit year imadiately preceding the filing of the appli ation for licenser:
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n62-719. Local governing boãies may issue licenses. (t) Any city, toms of countrmay issue licenses for the fablifeg gawes of chance provided for in this act to be conducted on premises wich bave been licensed for the sale of liquor, beer, food, ciqarettes, or any other consnabile products. \(\quad\) ithin the cities or towns, such licenses may be issoed by the city or town council ar conmission. Licenses for games conducted on premises outside the limits of any city or tcun ray be issued by the county comissioners of the respective counties. When a license has been required \(\mathrm{L}_{\mathrm{y}}\) any city, tovn \(\begin{gathered}\text { or county, no geblig gane of chafce as }\end{gathered}\) provided for in this act thatl may be conducted on any premises which have been licensed for the sale of liquor, beer, food, cigarettes, or any other consumable product without such license having first been obtained.
(2) Any governing body way charge an annual license fee for each license so issued under this act, which license fee, if anya shall expire on June 30 of each year, and sucb fee shall be frorated.
(3) Any license issued fursuant to this act shall be considered to be a revocable privilege, and no bolder thereof ghatt gay acquire any vested rights therein or thereunder."
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Section 9. Section 62-720. E.C. 4.1947 , is anended to read as follows:
n62-720. Governing body aay establin' regulations. 11) The governing body authorized to issue gambling licenses
 establish by crdinance or resclitica requlaticns gcuerning the qualifications for the iceminf issuance, suspension and revocation of such gavting licenses. Ihese regulaticns, in addition to any other requireaents, shall provide that no license thatt gay be issued to:
+4!al $t$ person who bas been convicted of being the keeper or is keeping a house of itt faee prostituticn:
f2flil $t$ a person who has been convicted of pandering or other crime or misdemeancr opposed to decency and morality, under the lavs of the federal governeent or any state of the Doited Stateswi
fat (G) a person whose license issued under this act has been revoked for causewi
 renewal of any license issued hereunder vould nct be eligitle for such license upon a first applicationei
fryfel ${ }^{4}$ a person who is not a citizen of the united States and who has not been a resident of the state of nontana fcr at least one-f year inmeciately preceding the filing of the application for licenser:
(6+ff) A a person who is not the ower and operator of the business.

122 Additional regulations ay also be adopted fcr the purpose of the protection of the public bealth, welfare and safety of the citizens of the state of montana and to assure compliance with the intent of this act."

Section 10. Section 62-724, R.C. B. 1947, is aneaded to read as follows:
m62-724. Ganbling on cash basis. (1) In every gambine
 etate the consideration paid for the chance to play shall be strictly cash. Every participant must present the money with which he intends to play the gavilify game at the time the
 other evidence of indebtedness shall be offered or accepted as part of the price of particifation in a-gatbling such gaee or as payment of a gambing debt incurfed therein.
(2) Ho action based on such a dett is maintainable in a court of this state."

Section 11. F stion 62-725, R.C.A. 1947, is amended to read as folluws:
m62-725. Cheating unlavful. It shall be unlawful to conduct or participate in a ganbling gane of chance authorized by this act ex-any-ether-gablityg-law in any manner which results in cheating, misrepresentation or
other such disreputable tactics ubich distract froz a fair and equal chance for all participants or uhicb cthernise affects the outcore of the gatiog gawe."

Sfction 12. There is a new R.C. B. section that reads as follows:

Sports pools authorized. Conducting or particifatigg in sports pools as defined and governed in this act is lawful.

Section 13. Section 62-729, R.C.M. 1947, is anended to read as follovs:
n62-729. Gasbling on cash basis. (1) In every gatblimg
 sportspool the consideration paid for the chance to play shall be strictly cash. Every participant mast present the noney with which he intends to play the-gumbing-gome at the time the gate pool is played entered. No check, credit card, note, frofer iod or other evideace of indebtedness shall te offered or accepted as part of the price of participating in

(2) No action based $c$ a gatelieg debt ingucred_ in Sforts pool is mantainable in a court of this state."

Section 14. Section 62-73C. B.C.1. 1947, is amended to read as fcllows:
n62-730. Minors may not participate. No persen under the age of eightoen- $418+$ years fbzll lay be permitted to participate in any gate-ex-ganef-of-chatee sports_gogl held.
operated. or conducted pursuant to this act."
Section 15. Section 62-731, R.C.M. 1947, is anended to read as fellows:

662-731. Cheating unlawfol. It shall be unlawful to conduct or participate in a gabliff-ga*e scorts_pgol
 maner which results in cheating, misrepresentations or other such disrepatable tactics which distract from fair and equal chance for all participants or which ctherwise affects the outcome of the fanblitg-gane pogl."

Section 16. Section 62-735, f.C. B. 1947, is anended to read as follcus:

662-735. Hew Jurisgiction. Fente Jurisdiction for all violations of this act is in the district court."

Secticn 17. Section 94-8-301. B.C.A. 1947, is anended to read as follows:
*94-8-301. Lottery defined. A lottery is any schene for the disfosal or distribution of froperty by chancer among persons who bave paid or pronised to pay any valuafle consideration for the chance of obtaining such property or a portion of ity or for any share or interest in such propertyr upon any agreement, understanding, or exfectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, fateform gift enterprise, cr by watever name the same may be known."

Section ${ }^{\text {8. }}$ Secticn 94-8-302, R.C.M. 1947, is asended to read as follows:
 eentomplated-by act-when keplicatiog. Ibis aet part shall not apply to the provisions of 62-715 throngh 62-726 or to the giving away of casb or merchandise attendance frizes or prewium by public dravings at agricultural fairs or rodeo associations in this state, and the county fair coneissioners of agricultural fairs or rodeo associations in this state may give away at such fairs casb or merchandise attendance prizes or presinns by public drauings."

Section 19. Section 94-8-401, B.C.H. 1947, is anended to read as follous:
n94-8-401. Gambling ganee frohibited - peaalty -













 Fepfosentative-of--7atue, - -




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$100_or_more than_$1&00C_or inprisopment_not__Iess_than__3
montis__or nore tban_1_year or by both__such fine and
imprisongent."
Section 20. Section 94-8-404, R.C.M. 1947, is aeended to read as follows:
ng4-8-404. Fossession of gantling iepleaents prohibited. Any person who tas in bis possessiont of under his controly or who peraits to be placed, mintained. or keft in any roor, space, inclosure \(o f\) buildiagy ouned, leased, or occupied by himp or onder his manageaent or controly any faro box. faro laycut, roulette wheel, roolette table, crap table, Elet-actiot or any machine or apparatus
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``` 94-8-401 is ponishable by a fine of not less than ee
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``` and way be imprisoned for not less than theee 3 nonths or wore than 1 year in the discretion of the courta provided, that this section shall not affly to a public officery or to a person coning into pessessicn thereof in or ty reason of the perfcrance cf an official duty and holding the same to be disposed of according tc 1an."
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Section 21. Section 94-8-411, R.C.B. 1947, is amended to read as follows:
m94-8-411. Doty of magistrate tc setain gambing implement or apparatus for trial. The magistrate befcre whos any machine, apparatus, or instrament is breaght pursuant to the-precedify cection $\underline{9} 4=\underline{\theta}=410$ ust, if there be is a priscner and if he ebatt-betd holds such frisoner, cause the machine, apparatus, or instruaent to be delifered to the county attorney to be used as evidence on the trial of such prisoner. If there be is no frisonery or if the gagistrate does not hald the prisoner, the thagistrate aust cause the innediate and public destruction of the machine, apparatos, or instrument in the his onn presence of-ithegifteate. No person owning or claining to oun any such machine, apparatus, or instrument so destroyed, okdi-hafe bas any fight of action against any ferson or against the state, county or city for the value of such articley cr for danages. It is the duty of the county attcraer to produce such articles in court on the trial of the case. It thati-a is the duty of the trial conrt, after the disposition of the caser and whether the defendant be is convicted, acquitted, or fails to appear fcr trial, to cause the imediate and public destruction of any such article by the sheriff or any other officer or person designated ty the court."
 もの－Fead－ac－followtu










Section 22．Section 94－8－422，B．C．E．1947，is asended to read as follous：
＂94－e－422．Lessor of buildings used fer gasbling purposes treated as princifal．Rhenever presises are cccupied for the doing of any of tbe thingst cr running any of the games prohibited by this aft part，the lease or agreement under which they are so occupied shall te absolutely void at the instance of the lessor，who bay at any time obtain porsession by civil action or ty action of fefeible unlumful detainerfs ati－if If anj ferson teate leases premises for any such purposer or knowingly peraits them to be used or occupied for such purfose or purposest or，knowing thex to be sc occupied or used．fails ignediately to prosecuter in good faith an action or
proceeding for the recovery of the preaises，sucb lessor shall be considered $i_{n}$ all cases，civil and crininal，as a principal in runaing the games or doing the things run cr done in such buildingt in violation of this party and shall te dealt with and punished accordingly．＂

Section 23．Section 94－8－424，R．C．M．1947，is anended to read as follows：
＂94－8－424．Ordinapces ccncerning gathling in－－6entitet



 regarding ganbling or ganbling bouses thatl lay be passed by
 THE STATE except in congiance uith＿62＝791through 62－736．＂
section 24．Section 94－8－429．B．C．B．1947，is anended to read as fcllows：
n94－8－429．Slot machine defined．A slot achine is efy defined as a machine oferated by inserting a coin， token．Chips ef trade check＿octrapex＿cugrency therein by the player and fron the play of which he obtainsy or may obtaint money．checks，chips，tokens，or＿paper curcency redeemble in moner．Merchandise veading macbines wbere the elesent of cbance does not enter into their operation are not within the provisions of this act part．＂

Section 25. Section 94-8-430, B.C.A. 1947, is anended to read as follous:
"94-8-430. Person or persons defined. In addition to their ordinary meaning, the word "perscn" or "personst"\& as used in this part. and artificial persons and all partnerships, corporations, associations, clubs, fraternal orders, and sccieties, including religious, fraternale and charitable organizaticns."

Section 26. Eepealer. Sections 84-5703 through 84-5719. 94-8-402. 94-8-403. 94-8-413. 94-8-4.25. 94-8-426. and 94-8-427. R.C.K. 1947, are repealed.
$-\mathrm{EnA}-$

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metision of lavS relaitmg to gabblimg.m
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    Section 1. Section 62-706, B.C.B. 1947, is amended to
read as follows:
    N62-706. Gaablimg on cash basis. (1) In every grebliteg
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Anthorized_card gane the consideration paid for the chance
to play shall be strictly cash. grery participant must
present the mone\ with which he intends to play the gambiteg
game at the time the game is plared. mo check, credit card,
note, toont ION. or other evidence of indebtedpess mall
Hay be offered or accepted as part of the frice of
participating in a gaebling gard game or as parment of a
gablieg debt incurged therein.
    (2) No action based on sgcm a gamblisg debt is
mantainable in a court of this state."
    Section 2. Section 62-707, R.C.A. 1947, is anended to
read as follovs:
    #62-707. Local governing bodies ay issue licenses.
(1) may city, town_ or connty may issue llcenses for the
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There are no changes in $\qquad$ , and due to length will not be rerun. Please refer to yellow copy for complete text.
gentling games provided for in this act to be conducted on premises which hare been licensed for the sale of liquor, beer, food, cigarettes, or any other resumable products. Within the cities or towns, such licenses my be issued by the city or town council or commission. licenses for gases conducted on premises outside the limits of any city or town may be issued by the county commissioners of the respective counties. When a license has been required by any city, town ${ }_{4}$ or comity, no stabling game as provided for in this act shall be conducted on any premises which have been licensed for the sale of liquor, beer, food, cigarettes, or any other consumable product without such license having first been obtained.
(2) Any governing body may charge an anal license fee for each license so issued under this a ot, which license fee, if any, shall expire on June 30 of each year, and such fee shall be prorated.
(3) Any license issued pursuant to this act shall be deemed to be a revocable privilege, and no holder thereof shall gal acquire any vested rights therein or thereunder."

Section 3. Section 62-708, B.C. 日. 1947, is amended to read as follows
m62-708. Governing body may establish regulations. The governing body authorized to issue gambling licenses


HOUSE OF REPRESENTATIVES
March 22, 1977
HOUSE COMMITTEE ON JUDICIARY AMENDMENTS TO SENATE BILL $\underline{9}$

1. Amend page 4, section 7, line 25.

Following: "of"
Strike: "this act"
Insert: "62-715 through 62-726"
2. Amend page 8 , section 12 , line 7.

Following: "in"
Strike: "this act"
Insert: "62-727 through 62-736"
3. Amend page 12 , section 19 , line 25.

Following: line 24
Strike: "is"
Insert: "may be"
4. Amend page 13 , section 20 , line 15.

Following: "crap table,"
Insert: "punchboard,"
5. Amend page 17 , section 25

Following: line 9
Insert: "Section 26. Section 94-8-431, R.C.M. 1947, is amended to read as follows:

94-8-431. Penalty for possession or permitting use of slot machine. Any person, partnership, club, society, fraternal order, corporation, ee-operative cooperative association or any other person, individual, or organization who violates any of the provisions of this acty or who permits the use of any slot machine, as herein defined, on any place or premises owned, occupied, or controlled by him or itt shatz-be is guilty of a misdemeanor and shaty-be is punishable by a fine of not

 the county jail for not less than thirty- $f 3 \theta t$-days-ner 3 months or more than six-f6t-menths 1 year or by both such fine and imprisonment."
Renumber: subsequent section

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SENATE BILL NO. g
lavkuluced ey graham
A bill fun an act entitled: man act for the general
REVISIUM at lamS kELATING TO GAMBLING.*
be it enalted ty the legislature of the state of montana:
    Section 1. section 62-706, R.C.M. 1947, is amended to
read as follows:
    -62-106. Gambling on cash basis. (1) In every grmb+ing
game-eonducted-pursutant-to-any-gombling--taw-of-the--stete
autharized cara gafe the consideration paid for the chance
to play small de strictly cash. Every participant must
present tae money with which ne intends to play the gombting
game at the time the game is played. No check, credit card,
note, \Psiwortt Lilus or other evidence of indebtedness shott
alay de offerec or accepted as part of the price of
participating in a grmbtine card gare or as payment of a
gombting debt incurred therein.
    (<) wo action based on such a gambting debt is
maintaindole in a court of this state."
            suction <. section 62-707, R.C.M. 1947, is amended to
    read as fillows:
            "6<-107. Lucal governing bodies mey issue licenses.
(1) Any city, townz or county may issue licenses for the
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gambting games provided for in this act to be conducted on premises which have been licensed for the sale of liquor, veer. foud. cigarettes, or any other consumable products. within the cities of towns, such licenses may be issued by the city or town council or commission. Licenses for games conducted on premises outside the limits of any city or town may de issued by the county comissioners of the respective counties. When a license has been required by any city. towne or countyp no gambting game as provided for in this act shall be conducted on any premises which have been licensed for the sale of liquor, beer, food, cigarettess or any other consumable product without such license having first deen obtained.
(2) Any governing body aay charge an annual license fee for efch license so issued under this act, which license fae, if any, shall expire on June 30 of each year, and such fee snall be prorated.
(3) Any license issued pursuant to this act shall be deemed to be a revocable privilege, and no holder thereof shett may acquire any vested rights therein or thereunder.*

Section 3. Section 62-708, R.C.M. 1947, is amended to read as follows:
moz-lob. boverning body may establish regulations. The governing dody outhorized to issue qambling licenses pursuant to this act shatt-have-the-buthortty-to may
establish by ordinance or resolutiont regulations governing the qualifications for and the issuing, suspensiong and revocation of sucn gambling licenses. These regulations, in addition to any other requirements, shall provide that no licenst: shott may oe issued to:
t*(1) * a person who has been convicted of being the keeper or is keeping a house of i+t-foer prostitutioni

Z-121 * d person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality, under the laws of the federal government or any state of the United Stateswi

30131 A a person whose license issued under this act has been revoked for causewi
$4 \times 41$ t $\quad$ a person who at the time of application for renewal of ariy license issued hereunder would not be eligiola for such license upon a first applicationwi
5.(2) * a person who is not a citizen of the United States and who nas not been a resident of the state of Montana for at least one-tIt year inmediately preceding the filing of the application for licensemi
6.16) A a person who is not the owner and operator of the business. Adaitional regulations may al so be adopted for the purpose of the protection of the public health, welfares and safety of che citizens of the state of Montana and to assure coimpliance with the intent of this act."

Section 4. section 62-709, R.C.M. 1947. is amended to read as follows:
*62-709. Hinors may not participate. No person under the age of eighteen-ti8t years shatt may be permitted to participate in any card game or--gomes--of-chance held, operatede or conducted pursuant to this act.*

Section 5. Section 62-710; R.C.M. 1947. is amended to read as follows:
m62-710. Cheating unlawful. It shall be unlawful to conduct ur participate in a gembing sard game authorized by this act or-ony-other-gombting--taw in any manner which results in cheating, misrepresentationa or other such disreputable tactics which distract from a fair and equal chance for all participants or which otherwise affects the outcume of the gambting gane."
section b. Section 62-713, R.C.H. 1947, is amended to read as follows:
"62-713. $V$ enuet Jurisdictiona Venue lurisdiction for all cases involving violations of this act is in the district court."

Section 7. Ihere is a new R.C.M. section that reads as follows:
singo and raffles authorized. Conducting or participating in yames of chance as defined in 62-716 and in accurance with the provisions of this act is lawful.

Section d. Section 62-719, R.C.M. 1947, is amended to read as follows:
m62-719. Local governing bodies may issue licenses. (1) Any city, tawne or county may issue licenses for the gatoting games of chance provided for in this act to be conducted on premises which have been licensed for the sale of biquor, beer, food, cigarettesi or any other consumable products. within the cities or towns, such licenses may be issued by the city or town council or comaissione. Licenses for yames conducted on premises outside the limits of any city or town may de issued by the county comaissioners of the respective counties. When a license has been required by any city, towne or county, no gombtieng game of chance as provided for in this act shotl may be conducted on any premises wnich have been licensed for the sale of liquor, beer, food, cigarettes, or any other consumable product without such ilicense having first been obtained.
(2) Any governing body may charge an annual license fee for each license so issued under this act, which license fee, if anys shall expire on June 30 of each year, and such fee shall we frorated.
(3) Any license issued pursuant to this act shall be deemed sansidered to be a revocable privilege, and no tholder thereof snaty may acquire any vested rights therein or thereunder-*

Section 9. Section 62-720, R.C.M. 2947, is amended to read as tallows:
"oz-720. Governing body may establish regulations. ill Ihe governing body authorized to issue gambing ifcenses purstant to this act shott-hove-the-authority-to may establish by ordinance or resolution regulations governing the qualifications for the issuing issuance, suspensions and revocation of such gambling licenses. These regulations, in addition to any other requirements, shall provide that mo license shot may be issued to:
ttifal $A$ a person who has been convicted of being the keeper or is keeping a house of i+7-fame prostitutioni
(ztela) therson who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality; under the laws of the federal government of any state of the United Stateswi
(7fic) A person whose license issued under this act nas been revoked for causemi
$t^{4}+(a)$ * aperson who at the tine of application for renewal of any license issued hereunder would not be eligiule for such license upon a first applicationzi
toflef a person who is not a itizen of the United States and who nas not been a resident of the state of montana for at least one-tit year immediately preceding the filing of the application for licenseri
fothel a person who is not the owner and operator of the business.
(2) Additional regulations may also be adopted for the purpose of the protection of the public health, welfare and safety of the citizens of the state of Montana and to assure compliance with the intent of this act."

Section 10. Section 62-124. R.C.M. 1947, is amended to read as follows:
w62-724. Gambling on cash basis. (I) In every gembting game of chance conoucted-pursuant-to-any-gambting-taw-of-the state the consideration paid for the chance to play shall be strictly cash. Every participant must present the money with which he intenas to play the gembting game at the time the game is playea. no check, credit card, note, $\ddagger$ wett lowe or other evidence of indebtedness shall be offered or accepted as part of the price of participation in a-gambting such game or as payment of a gambing debt incurred therein.
(ג) No action based on such a gombting debt is maintainable in a court of this state."
jection ll. Section 62-725, R.C.M. 1947, is aspended to read as follows:
ms<-72\%. Cheating unlawful. It shall be unlawful to conduct or porticipate in a sombting game of chance authorized by this act or-ony-other-gambting-tam in any manner wiich results in cheating, wisrepresentations or
other such oisreputable tactics which distract from fair and equal chance for all participents or which otherwise affects the outcome of the gowbing game."

Section 12. There is a new RelaM. section that reads as follons:

Sports pools authorized. Conducting or participating in sports pools as defined and governed in this act is lawful.

Section 13. Section 62-729, R.C.M. 1947, is amended to read as follows:
*62-729. Gambling on casth basis. (1) In every gombting game--condtreted--pursuant--to--any-ganting-7aw-of-the-state sports pool the consideration paid for the chance to play shall be strictly cash. Every participant must present the money with which he intends to play the-gombting-gome at the cime the gome pool is ptored entered. No check, credit card, note, fubrtw lolla or other evidence of indebtedness shall be offered or accepted as part of the price of participating in a gambting-gene-or-as-payment-of-a-gambting-debt pool.
(2) No action based on a gemb+ing debt incurced in_a sports pool is maintainable in a court of this state."

Section 14. Section 62-730. R.C.M. 1947, is amended to read as follows
n62-730. Hinors may not participate. No person under the age of eignteen tibt years shett may be permitted to participate in any game-or-games-of-enonce sports pool held.
operatede or conducted pursuant to this act."
Section 15. Section 62-731, R.C.M. 1947. is amended to read as follows:
m62-731. Cheating unlawful. It shall be unlawful to conduct or participate in a gambling-game sports_poal authorized by this act or-my-other-gambing-tom in any manner whicn results in cheating, misrepresentationg or other such disreputable tactics which distract from a fair and equal chance for all participants or which otherwise affects the outcome of the gombting gome pool."

Section 16. Section 62-735, R.C.M. 1947, is amended to read as follows:
w62-735. Vente durisdiction. Fente durisdiction for all violations of this act is in the district courte"

Section 17. section 94-8-301. R.C.M. 1947, is anended to read as follows:
-94-8-30i. Lottery defined. A hottery is any scheme for the disposal of distribution of property by chancet among persons wno have paid or promised to pay any valuable consideration for the chance of obtaining such property or a portion of ity or for any share or interest in such property, upon any agreament, understanding, or expectation tnat it is to be distributed or disposed of by lot or chance, whetiof called a lottery, raftter--or gift enterprisef or by whatever name the same may be known."

Section 16. Section 94-8-302, R.C.M. 1947, is amended to read as follows:
*94-8-302. Orawings-for--prizes--or---promiums---not eontemptated-by-acty-men Application. Ihis eet part shall not apply to the provisions of 62-715 through 62-126 or te the giving away of cash or merchandise attendance prizes or preminms by public drawings at agricultural fairs or rodeo associations in this state, and the county fair conmissioners of agricultural fairs or rodeo associations in this stace may give away at such fairs cash or merchandise attendance prizes or premiums by public drawings."

Section 19. Section 94-8-401. R.C.M. 1947, is amended to read as follows:
"94-8-401. Gambling gomes prohibited - penalty -tieense--fees--for-cerd--tablese Every-person-who-deatsy-or Earries-ont-opens-or-eauses-to-be-openedv-or--who-conductst or--eauses--to--be--conductedy--operates-or-runsw-either-as primeipaty-bgenty-owner-or-emptoyeev-whetner--for-nirep-or noty--any-game--of--montev-dondop--fan-tany-tony-stadhorse pokery-eropsy-seven-and-a-hotfy-twenty-onep-foroy-routeted pangeni--or--pangener--mokey-pokeyp-draw-pokert-or-the-gome eommonty-known-as-round-the-table-pokery-or-any-banking-or percentsge--gamer--or--any-gome-eommonty-known-as-sure-thing gamev-or-any-game-of-chanee-ptayed-with-eardsy-diee-or-any device--whetsoevery--or-whortins-or-conduets-or-eatures-to-be
run-or-conauctedy-or-keeps-ony-stot-meehinev-punenboardy--or other--simitar--machine-or-devicey-or-permits-the-some-to-be run-or--eondueted--for--money-Checksy--ereditsy-or--any representative--of--vatuer--or-any-property-or-thing whatsoeverv-or-any-person-owning-or-in-eharge-of-ony-eigor storev--drugstoreq--or-other-ptece-of-businessy-or-ary-ptace where-drinks-ore-sotd-or-servedt-who--permits-any-of--the gawes--prohidited--in-this-section-to-be-ptayedy-in-or-bbout such-eigar-storev-drugstoret-or-other-ptoce-of-businessy--or permits-any-stot-mechiner-punchbourdv-or-gimijar-device-to be-kept-thereiny-or-any-person-or-persons--who-tondwet-ony buekets hop-where--stocks-ar-securities-of-any-kind-are-sotd on-marginsy-ano-every-person-who-ptays-or-bets-at-or-agoinst soid-prohibited-gomes-or--devieesp--exeept--as--hereinotter providedr-is-guitty-of-a-misdemeanor-ond-shatt-be-punishabte by--a--fine-of-not-less-then-ome-hundred-dottars-twte0 004ty nor-more-then-one-thousand-tot+mars-tsive日me日tr-and-may--be imprisoned-for-not-tess-thon-three-t 3 f-wonthst-nor-more-than one--ttj--yeary--or--oy-both--suen--fine--ond-imprisonnent; tprovideap-nowevery--that--it--sha++--be--7awft+-for-eigar starest--4rater not--organizationsy-eharitabte-organizationsy drugstores-ana-other-p+aces-of-businesst-upon-the-poyment-of t-ifeense-fee-therefor-to-the-eounty-tressurer-in-the-3um-of ten-dot fors-tstGeot-annuetly-per-toble-used-or-opefated--fn surn-pt we-of-unsinessy-to-maintoin-ona-keep-for-the-trse-and
pheasur e--of--their--customers--end-petronsw-eard-tabtes-and eards-with-whieh-and-at-whieh-such-gomes-as--rummy-whisty bridige---whisty-bleckjecky-euchrev--pinoehtet-pangene--or pangent 1 --seven-upy--heartsy-freere-outr---easinor---sotoy eribbagev-five-hundredy-penie-antev-dominosy-high-five-ond eheckers--may-be--ptored--for-pastime--and-busement--by ens toaers--who--are--not--minorsw-and-for-the-waintenance-of Whieh-a-tharge-may-be-mader-to-be-pord-by-the-users--by-the purchase--of-trade--Checks--which--wutc--be--fedeewobte--in merehandise-ot-the-going-retoit-price-of-surh--merehandtset whieh-is--the--stoek--in-trade--of-sueh-businesst-ond-thot ptaces-or-business-mays-upon-the-payment-of-a--tieense-fee ther efor-to-the-county-treasurer-in-the-sum-of-ten-dot+ars t t tewfet-annua+ty-exhibit-for-use-and-sote-to-att-customers not-minorsy-trade--stimithetorsy--such--as-put7--boerds-and tifket-boardsy-whert-eseh-board-so-used-returns-to-the-owner or--business-not--to-exeeed--the-going-retai+-pritee-of-the goods-disposed-of-and-so7d-and-disposed-of-through--the-use of--the--somet--and-which-goods-sotd-and-disposed-of-through the-use-of-the--some--mast--not-be--other--than-the-goods constituting-the-usuat-stock-in-trede-of-the-business-using the-samet Excent as othernise provided by lawe_d_gerson who engages io gambling ia any formmith cards, dices or other implements_or dexices of any kind wherein anything yaluable is wacied_upon the outcone_or who_kereps_any establishmente

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placez equipment, or apparatus for such gambling or anx
agents_or employees for such purpose_is guilty of a
gisdemednor and_is_punishable_by_a_fige_of_not_less_than
$100 or gore than $1,000 or imprisonment not less than_3
months or more than_1_year_or by both_such fine and
imprisommente"
    section 20. Section 94-8-404, k.C.M. 1947, is amended
to read as follows:
    -94-b-464. Possession of gambling implements
prohivitea. Any person who has in his possessiont or undef
his controlv or who permits to be placed, maintainedz or
kept in any rooms space, inclosureg or buildingy owned,
leaseds or occupied by himry or under his management of
controly any faro box, faro layout, roulette wheel, roulette
table, crap table, stot-machinev or any machine or apparatus
of the kind mentioned in the-preetding-stetion-of-this--oetv
24-8-401 is punishable by a fine of not less than one
hundred-nor slop of more than one-thousond-bottersy sle000
and may be imprisoned for not less than three }1\mathrm{ months mor
or more than one l year in the discretion of the courtte
provideJy-mowevery that this section shall not apply to a
public officery or to a person coming into possession
thereof in or by reason of the performance of an official
duty ang folding the same to be disposed of according to
lawa"
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Section 21. Section 94-8-411, R.C.M. 1947. is amended to read as follows:
"94-b-411. Duty of magistrate to retain gambing implement or apparatus for trial. The magistrate before whom any macnine, apparatus, or instrument is brought pursuant to the-preeedring-section $94-9-410$ must, if there be is a prisoner and if he shott-trotd holds such prisoner, cause the machine, apparatus, or instrument to be delivered to the county attorney to be used as evidence on the trial of such prisoner. If there be is no prisonery or if the magistrate does not hold the prisoner, the the magistrate must cause the $i$ mediate and public destruction of the machine, apparatus, or instrument in the his oun presence of-sord-magistrote. No person owning or claiming to own any such machine, apparatus, or instrusent so destroyedy-shet+-howe has any right of action against any person or against the state, county, or city for the value of such articlev or for damages. It shat+-be is the duty of the county attorney to produce such articles in court on the trial of the case. It shatt--be is the duty of the trial court, after the disposition of the caser ano whether the defendant be is convicted, acquitted, or fails to appear for trial to cause the immediate and public destruction of any such article by the sheriff or any other officer or person designated by the court."
 te-react-ta-fottomet

M94-t-4t3F--ktuthority-to--break--ond--enter--buitdings where-ganes--are--probebly-being-ptayeds--Every-sherift. eonstoble-and-pubtie pencs offieery haying-probebte-cause-to befieve-thet-any-romy-tenty-or-apartment-is-being-used-as-a foomy-tenty-or-opartment-for-the-ploying-or-conducting-of any-of-the-games-mentioned-in-thris-actp-sha+H-have-authority to may oreak-open-any-doory-or-opening-inte-any-sueh-roomit tentr-or-apertwent-with-or-without-a-warrant-of-arrestr-for the-purpese-of-arresting-the-offenders-against-this-act**

Section 22. Section 94-a-422, R.C.M- 1947, is amended to read as follows:
*s4-8-422. Lessor of buildings used for gambing purposes treated as principale whenever premises are occupied for the doing of any of the thingst or running any of the games prohibited by this oet part, the lease or agreement uncer mich they are so occupied shall be absolutaly voia at the instance of the lessor, who may at any time obtain possession by civil actions or by action of foreible unlawful detainerta ond-if lf any person tease leases premises for any such purposet or knowingly permits them to be used or accupied for such purpose or purposest ore knowing them to be so occupied or used, fails immediately to prosecutey in good faith an action or
proceeding for the recovery of the premises, such lessor shall be considered in all cases, civil and criminaly as a principal in running the games or doing the things run or done in such buildingy in violation of this eet party and shall be dealt with and punished accordingly."

Section 23. Section 94-8-424, R.C.A. 1947, is amended to read as follows:
w94-8-424. Drdinances concerning ganbling in-eonftiet with--tnis--aet-void. tpon-the-pessege-of-this-actv-ott ordinances-and-parts-of-ordimences-of-eities-and-towns-in this--state--regerding-gambling-and-gembting-houses-sthati-be inoperative-and-voidv-and--theretrter--no No ordinance regarding gambling or gambling houses mhat+ may be passed by any citye or tomn COUNTLE OR DIHER ROLIIICAL SUBDIYISION DE IHE SLAIE except in cainliance vith_6z-701, through 62-736*"

Section 24. Section 94-8-429, R.C.M. 1947, is amended to read as follows:

494-8-429. Shot machine defined. $\wedge$ shot machine is hereby defined as a machine operated by inserting a coin. token, chips or trade checkser paper curcency therein by the player and from the play of which he obtainsy or may obtainy money, checksy chipsi or tokenss or paper curcency redeemable in money. Merchandise vending machines where the element of chance does not enter into their operation are not within the provisions of this eet pact."

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Section 25. Section 94-8-430, R.C.H. 1947, is amended to read as follows:
my4-8-430. Person or persons defined. In addition to their ordinary meaning, the word "person" or "personsw"ュ as used in tris aet part, shatt-imetude includes both natural and artificial persons and all partnerships, corporations, associations, clubs, fraternal ordersi and societies, including religious, fraternals and charitable organizations.*
Section 26. Repealer. Sections $84-5703$ through 84-5719, 94-8-402, 94-8-403, 24=8-413. 94-8-425, 94-8-426. and 94-8-427, K.C.Mc 1947, are repealed.
-End-

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SENATE BILL NO. }
INTRODUCED BY GRAHAM
A Bill For an act entitled: wan act for the general REVISION DF LAHS RELATING TO GAMBLING.*
be it enacted by the legislature of the state of montana: Section 1. Section 62-706, R.C.M. 1947, is amended to read as follows:
*62-706. Gambling on cash basis. (1) In every gembting game-condreted-parsuant-to-any-gambting-7aw-of-the--state authorized card game the consideration paid for the chance to play shall be strictly cash. Every participant must present the money with which he Intends to play the gombting game at the time the game is played. No check, credit card,
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``` max be offered or accepted as part of the price of participating in a gambling card game or as payment of a gambirng debt incurred therein.
(2) No action based on such a gambting debt is maintainable in a court of this state."
Section 2. Section 62-707, R.C.M. 1947, is amended to read as follows:
-62-707. Local governing bodies may issue licenses. (1) Any city, towns or county may issue licenses for the
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REFERENCES Second Printing
gambting ganes provided for in this act to be conducted on premises which have been licensed for the sale of liquor. beer. food, cigarettes, or any other consumabie products. Within the cities or towns, such licenses may be issued by the city or town council or cominision. Licenses for games conducted on premises outside the limits of any city or town may be issued by the county comsissioners of the respective counties. When a iicense has been required by any city. towne or county, no gembting game as provided for in this act shall be conducted on any premises which have been licensed for the sale of liquor, beer, food, cigarettese or any other consumable product without such license having first been obtained.
(2) Any governing body may charge an annual license fee for each license so issued under this act, which license fee, if any, shall expire on June 30 of each year, and such fee shall be prorated.
(3) Any license issued pursuant to this act shall be deemed to be a revocable privilege, and no molder thereof shatt max acquire any vested rights therein or thereunder." Section 3. Section 62-708, R.C.M. 1947, is amended to read as follows:
-62-708. Governing body may establish regulations. The governing body authorized to issue gambling licenses pursuant to this act shet+-hove--the-suthority--to hay
establish by ordinance or resolutiony regulations governing the qualifications for and the issuing. suspensionz and revocation of such gambling licenses. These regulations, in addition to any other requirements, shall provide that no license shatt may be issued to:
twil) * a person who has been convicted of being the keeper or is keeping a house of iff-famer prostitution:
zel2l $\star$ a person who has been convicted of pandering or other crime or misdemeanor opposed to decency and moralityp under the laws of the federal government or any state of the United Statessi
3.132 * a person whose license issued under this act has been revoked for causezi
$4=141$ * a person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first applicationsi
5.151 * a person who is not a citizen of the United States and who has not been a resident of the state of Montana for at least one-tly year immediately preceding the filing of the application for licensexi

6*(6) A a person who is not the owner and operator of the business. Additional regulations may also be adopted for the purpose of the protection of the public nealth, welfaren and safety of the citizens of the state of Montana and to assure compliance with the intent of this act."

Section 4. Section 62-709, R.C.M. 1947, is amended to read as follows:
*62-709. Minors may not participate. No person under the age of eighteen-tlist years shatt may be permitted to participate in any card game or--gomes--of-ehamee held. operateds or conducted pursuant to this act."

Section 5. Section 62-710, R.C.H. 1947, is amended to read as follows:

662-710. Cheating unlawful. It shall be unlawful to conduct or participate in a gembting card game authorized by this act or-any-other--gombzing--taw in any manner which results in cheating, misrepresentations or other such disreputable tactics which distract from a fair and equal chance for all participants or which otherwise affects the outcome of the gambting game."

Section 6. Section 62-713, R.C.M. 1947, is amended to read as follows:
-62-713. Vencev jurisdictione Venue Jarisdiction for all cases involving violations of this act is in the district court.*
section 7. There is a new R.C.M. section that reads as follous:

Bingo and raffles authorized. Conducting or participating in qames of chance as defined in 62-716 and in accordance with the provisions of this-ect 62-715. IHROUGH
62-726 is lawful.
Section B. Section 62-719, R.C.M. 1947, is amended to
read as follows:
m62-719. Local governing bodies may issue licenses.
(1) Any city, town or county may issue licenses for the
gombting games of chance provided for in this act to be
conducted on premises which have been licensed for the sale
of liquor, beer, food, cigarettes, or any other consumable
products. Within the cities or towns, such licenses way be
issued by the city or town council or commission. Licenses
for games conducted on premises outside the limits of any
city or town may be issued by the county commissioners of
the respective counties. When a license has been requifed by
any city, towne or county, no genbting game of chance as
provided for in this act shet+ may be conducted on any
premises which have been licensed for the sale of liquor,
beer, food, cigarettesx or any other consumabie product
without such license having first been obtained.
(2) Any governing body may charge an annual license fee for each license so issued under this act, which license fee, if anye shall expire on june 30 of each year, and such fee shall be prorated.
(3) Any license issued pursuant to this act shall be deemed considered to be a revocable privilege, and no holder thereof shaty max acquire any vested rights therein or

## thereunder:*

Section 9. Section 62-720, R.C.M. 1947, is amended to read as follows:
*62-720. Governing body may establish regulations. (11 The governing body authorized to issue gambling licenses pursuant to this act shett-have--the--authortty-to may establish by ordinance or resolution regulations governing the qualifications for the fasuing issuance. suspensions and revocation of such gambling jicenses. These regulations, in addition to any other requirements, shall provide that no license smatl may be issued to:
titla) a person who has been convicted of being the keeper or is keeping a house of itt-fomem prostitution:
tethbl a person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality, under the laws of the federal government or any state of the United Statespi
f3tici a person whose license issued under this act has been revoked for causevi
t4tid) $A$ a person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first applicationwi
f5tie) A a person who is not a citizen of the United States and who has not been a resident of the state of Montana for at least one-fly year immediately preceding the

## filing of the application for icenseri

fofifl a person who is not the owner and operator of the business.
(2) Additional regulations may also be adopted for the purpose of the protection of the public health, welfare and safety of the citizens of the state of Montana and to assure compliance with the intent of this acta"

Section 10. Section 62-724, R.C.M. 1947, is amended to read as follows:
*62-724. Gambling on cash basis. (1) In every gombting game of chance conducted-pursuant-to-any-genthing-taw-of-the state the consideration paid for the chance to play shall be strictly cash. Every participant must present the mone with which he intends to play the gembting game at the time the game is played. No check, credit card, note. feerte IOUz or other evidence of indebtedness shall be offered or accepted as part of the price of participation in a-gambting sucb game or as payment of a gambting debt incurred therein.
(2) No action based on such a gambting debt is maintainable in a court of this state."

Section 11. Section 62-725, R.C.M. 1947, is anended to read as follows:

662-725. Cheating unlawful. It shall be unlawful to conduct or participate in a gambting game of chance authorized by this act or-any--other--gabting--tow in any
manner which results in cheating, misrepresentations or other such disreputable tactics which distract froal a fair and equal chance for all participants or which otherwise affects the outcone of the gambting game."

Section 12. There is a new R.C.M. section that reads as follows:

Sports pools authorized. Conducting or participating in sports pools as defined and governed in this-act 62-721 IHROLGH 62-736 is lawful.

Section 13. Section 62-729. R.C.M. 1947, is amended to read as follows:
-62-729. Gambling on cash basis. (1) In every gambling game-condurted-pursuant-to-ony-gombting--taw-of--the-stete sports pool the consideration paid for the chance to play shall be strictiy cash. Every participant must present the money with which he intends to play the-gambing-geme at the time the game pool is pteyed entered. No check, credit card,
 offered or accepted as part of the price of participating in a ganbling-game-or-as-payment-of-g-gambting-debt pool.
(2) No action based on a gamb+ing debt incurred_in_a sports pool is maintainable in a court of this state."

Section 14. Section 62-730, R.C.M. 1947, is amended to read as follows:
n62-730. Minors may not participate. No person under
the age of eighteen-fibt years shot+ may be permitted to participate in any gome-or-gomes-of-chonce sports poal helde operatede or conducted pursuant to this act."

Section 15. Section 62-731, ReC.M. 1947, is amended to read as follows:
w62-731. Cheating unlawful. It shall be unlawful to conduct or participate in a gawbing--geme sports_ool authorized by this act or-any-other-gombting-7aw in any manner which results in cheating, misrepresentatione or other such disreputable tactics which distract from a fair and equal chance for all participants or which otherwise affects the outcome of the gambting-gawe pool.*

Section 16. Section 62-735, R.C.H. 1947, is amended to read as follows:
m62-735. Vente Jurisdiction *ente Jurisdiction for all violations of this act is in the district courte"

Section 17. Section 94-8-301, R.C.M. 1947, is amended to read as follows:
m9-8-301. Lottery defined. A lottery is any scheme for the disposal or distribution of property by chancev among persons who have paid or pronised to pay any valuable consideration for the chance of obtaining such property or a portion of ity or for any share or interest in such propertyy upon any agreement, understanding; or expectation that it is to be distributed or disposed of by lot or
chance, whether calied a lottery, raffley-or gift enterprise, or by whatever name the same may be known."

Section 18. Section 94-8-302, R.C.H. 1947. is amended to read as follows:
m94-a-302. Brawings---for---prizes---or-premitws--not eontempteted-by-actr-when Application- This oet part shall not apply to the proxisions of 62-715 thraugh 62-126 or ta the giving away of cash or merchandise attendance prizes or premiums by public drawings at agricultural fairs or rodeo associations in this state, and the county fair conmissioners of agricultural fairs or rodeo associations in this state may give away at such fairs cash or merchandise attendance prizes or premiums by public drawings."

Section 19. Section 94-8-401, R.C.H. 1947, is amended to read as follows:
"94-8-401. Ganbling gones prohibited -- penalty -子ieense-fees-for-eard-tabtes. Every--perfion-who-deotsp-or cerries--ony-opens-or-causes-to-be-openedy-or-who-conduetsy or-eauses-to-be--eonductedy--operotes--or-munsy--either-as principoty--agenty--owner--or-emptoyeet-whether-for-hirev-or noty-ony-game--of--monter--dondoy-fen-tent--teny-studhorse pokerf--erapav-seven-and-a-hotfr-twenty-onep-forov-moutettey pangeni-or-pangeneq-hokey-pokeyr-draw-pokery-or-the-game eomonty--known-es-round-the-tobte-pokerv-or-any-bonking-or pereentage-gamev-or-any-gane-comantr--known-as-aure-thing
gamer--or-any-gane-of-chonce-ptayed-with-eardsy-dice-or-any device-whatsoeverf-or-who-rums-or-condwets-or-couses--te-be tun--or-eonductedq-or-keeps-any-stot-meehtnev-punchboardy-or -ther-simitar-mechine-or-devicer-or-permits-the-some--to-be
 representetive--of--vazuev--or---any---property--or---thing whetsoevery-or--any-person-owning-or-in-eharge-of-any-eiger storep-drugstorev-or-other-place-of-businessy-or-any-ptace where--drinks-ore-sotd-or-servedr-whe-permites-ony-of-the games-prohibited-in-thts-seetion-to-be-ptopedp-in-or-obout sueh-eigor-storey-drugstorey-or-other-pteee-of-businessy-or permits-any-stot-machineq-punchibeardr-or-stw+tar-deviree--to be--kept--thereinv--or-any-persen-or-persons-who-cond et-any bueketshop-where-stocks-or-seeurities-of-any-kind-are-sot on-merginsw-and-every-person-who-ptoys-or-bets-at-or-agoinst serid--prohibited-genes-or-devicesp-except-as-hereinefter providedv-is-guitey-of-a-wisdemeanor-and-shott-be-punishobte by-a-fine-of-not-7ess-than-one-hundred--dothors--t $\$ 4 \theta 0=0 \theta+5$
 imprisoned-for-not-7ess-than-three-t ${ }^{\text {fl}}$-monthst-nor-more-then one-ttf--yeary--or--by-both-such--fine--and--imprisonmentt Eprovidedy--howevert-thot--it--shot+--be--tawfut--for-erigar storesp-fraternet-organizationst-haritebte--orgonizationsy drugstores-end-other-p+nees-of-wurinessy-upon-time-perment-of e-tieense-fee-therefor-to-the-county-treasurer-in-the-sum-of
ten--dot+ars-tsteve日t-annuat+y-per-tebte-tsed-or-operated- $+\boldsymbol{n}$ streh-ptace-of-business-to-maintein-and-keep-for-the-use-and pleasure-of-their-eustomers-ond--patrons y-ceard--tabtes--ond eards-with-whieh--and-at-whieh-such-games-as-rummy-whisty bridge--whisty--btaekjeck--euchrev--pinochtev--pengene--or pangeniy---seven-upy---heartsp---freeze-outy--casinot--sotoy eribbagev-five-hundredy-penie-enter-dominosv--high-five--end checkers---mey--be--ptayed--for-pust+me--ond--ammenent--by eustomers-who-are-not-minorsr-end-for--the-mointenance--of which-a--eharge-may-be-mader-to-be-poid-by-the-users-by-the purchose--of--trade--Cheeks-whieh--must--be--redeemab+e--in merehandise--st--the-going-reteit-price-of-such-merehondisey whieh-is-the-stock-in--trade-of-mueh-businesst-and--thet places--of--business--mayr-upon-the-payment-of-a-treense-fee therefor-to-the-county-treasurer-in-the-sum-of--ten-dotters f\$teraft-ennuat+Yr-exhibit-for-use-and-sote-to-at+-eustomers net--minorsif-tifade--stimufotorsy--sueh--es--put+-boardis-and tirket-beardsp-where-emeh-beord-se-used-returns-to-the-owner or-business-nat-to-exeeed-the-going--retait--priee-of--the goods--disposed--of-and-sotd-and-disposed-of-through-the-use of-the-saner-and-whieh-goods-sotd-and--disposed-of--through the-use--of--the--same--must--not--be--other-than-the-goods constituting-the-taunt-stack-in-trade-of-the-business-using the-somef Except as otherwise provided by lawn a person the engages_is gambling_in any form with cardst dices or othef

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implements or devices of any kind wherein_anything valuable
is MAY BE magered unon the outcome or who keeps any
establishmente places equipmente or apparatus for siach
ganbling or any agents or employer for such purpose is
guilty of a misdeneanor_and is punishable_by a_fine_of_not
less_than s100_ormore than $1,000 or imprisonment not less
than_l months or more than l year or by both such fine and
imorisonmente"
    Section 20. Section 94-8-404, R.L.M. 1947, is amended
to read as follows:
    "94-B-404. Possession of gambling implements
pronibited. Any person who has in his possessionv or under
his controly or who permits to be placed, maintainedm or
kept in any room, space, inclosurel or buildingy owned,
leasede or occupied by himy or under his management or
controlv any faro box; faro layout, roulette wheel, roulette
table, crap table, stot-maehiney pullcHBMARDg or any machine
or apparatus of the kind mentioned in the-preceding-seetton
of--this--acty 24=8-401 is punishable by a fine of not less
than one-mundred-nor $100 of more than one-thousend-dot+ers%
$1,000 and may be imprisoned for not less than three i
months nor or more than one 1 year in the discretion of the
courtis providedy-howevery that this section shall not apply
to a public officery or to a person coming into possession
thereof in or by reason of the performance of an official
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duty and holding the same to be disposed of according to ław."

Section 21. Section 94-8-411, R.C.N. 1947. is amended to read as follows:
m94-8-411. Duty of magistrate to retain gambling implement or apparatus for trial. The magistrate before whom any machine, apparatus, or instrument is brought pursuant to the-preceding-seetion $24-8-410$ must, if there be is a prisoner and if he ahott-hotd holds such prisoner, cause the machine, apparatus, or instrument to be delivered to the county attorney to be used as evidence on the trial of such prisoner. if there be is no prisonery or if the magistrate does not hold the prisoner, the the magistrate must cause the immediate and public destruction of the machine, apparatus, or instrument in the his oun presence of-sord-magistrote. No person owning or claiming to own any such machine, apparatus, or instrument so destroyedy-shett-have has any right of action against any person or against the stater county, or city for the value of such articlev or for damages. lt shot+-be is the duty of the county attorney to produce such articles in court on the trial of the case. It shatt-be is the duty of the trial court, after the disposition of the casey and whether the defendant be is convicted, acquitted, or fails to appear for trial, to cause the immediate and public destruction of any such article by
the sheriff or any other officer or person designated by the court."
 to-red-as-fot+omst

294-8-4t3F-Authority-He-break--and-enter-butidings where--games--are--probbbly--being--ptoyedr--Every-sheriffy eonstabte-end-pubtie peace officerix having-probabte-earse-to betieve-thot-any-roony-tentr-or-opartment-is-being-used-as-o roomy-tenty-or-eportment-for-the-phoping-or-eondueting-of any-of-the-games-mentfoned-in-this-acty-shot+-have-anthorthy to may break-open-any-doorf-or-opening-into-any-sueh-roomy tentr-or-aportment-with-or-without-a-warrant-of-orrestr-for the-purpose-of-orresting-the-offenders-agoinst-this-a, tw

Section 22. Section 94-8-422, R.C.A. 1947, is anended to read as follows:
"94-8-422. Lessor of buildings used for gambling purposes treated as principale Whenever prenises are occupied for the doing of any of the thingst or running any of the games prohibited by this aet part, the lease or agreement under which they are so occupied shall be absolutely void at the instance of the lessor, who may at any time obtain possession by civil actiony or by action of forcibte unlamful detainerte and-if If any person tease leases premises for any such purposev or knowingly permits them to be used or occupied for such purpose or purposesv
ors knowing them to be so occupied or used, fails immediately to prosecuter in good faith an action or proceeding for the recovery of the premises, such lessor shall be considered in all cases, civil and criminal, as a principal in running the games or doing the things run or done in such buildingt in violation of this aet party and shall be dealt with and punished accordinglyow

Section 23. Section 94-8-424, R.C.M. 1947, is amended to read as follows:
-94-8-424. Ordinances concerning gambling in--eonffict with-mins--aet--void. bpon--the-passege--of-this-bety-ath ordinences-ond-perts-of-ordinences-of-cities--and-towns-in this--state--regarding-gambinng-and-gembting-houses-shat+-be inoperative--and-voidr-und-thereafter--no No ordinance regarding gambling or gambling houses shat+ may be passed by any citye or townemCOIMLY, OR_OIHER POLILICAL SUADIVISION DE IHE_SIAIE except io conpliance with 62-701 through 62-736.* Section 24. Section 94-8-429, R.C.H. 1947, is amended to read as follows:
*94-8-429. Slot machine defined. A slot machine is hereby defined as a machine operated by inserting a coin* token, chipд or trade checke or paper currency therein by the player and from the play of which he obtainsy or may obtainy money, checks, chipsp or tokens, or paper currency redeemable in money. Merchandise vending machines where the

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element of chance does not enter into their operation are
not within the provisions of this eet part="
    Section 25. Section 94-8-430, R.C.M. 1947, is amended
to read as follows:
    w94-8-430. Person or persons defined. In addition to
their ordinary meaning, the word "person" or "persons%"z as
used in this aet part, shatt-inetude includes both natural
and artificial persons and all partnerships, corporations,
associations, clubs, fraternal orders& and societies.
including religious, fraternals and charitable
organizations.*
SECTION 26. SECIION 94-8-431. ReCeHa 1947. 15_AMENDED
IOLREAD AS_EOLLOMSE
    *94-8-431. Penatty for possession or permitting use of
slot machine. Any person, partnership, club, society,
fraternal order, corporation, eo-operative cooperative
association or any other person. individuale or organization
who violates any of the provisions of this acty or who
permits the use of any slot machine, as herein defined, on
any place or premises owned, occupiedz or controlled by him
or itv--shat+-be is guilty of a misdemeanor and shatt-be is
punishable by a fine of not less than one--hundred--do+tors
f$100we0t%--nor or more than five-hundred-dot+ars-$$500we0+%
$legoc or by imprisonment in the county jail for not less
than thirty--+3ef--dars--nor 3nmontbs_or nore than six-ttf
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monthsy I year or by both such fine and imprisonment."
Section 27. Repealer. Sections B4-5703 through 84-5719. 94-8-402, 94-8-403, 94-8-4132 94-8-425, 94-8-426, and 94-8-427, R.C.M. 1947, are repealed.
-End-


[^0]:    ——SENATE BILL NO.
    INTRODUCED $3 Y$ G___GABAM
    a gill for an act entitled: man act por the genegal REVISION OF LAWS RELATIMG TO GAmbling."
    be it enacted by the legislatobe of the state of montana:
    Section 1. Section 62-706. R.C. 1 . 9947 , is amended to read as follows:
    "62-706. Gambling on cash basis. (1) In every gateling
     anthorized card gage the consideration paid for the chance to play shall be strictly cash. Every participant must present the money with which he intends to play the gatiog game at the time the game is played. so check, credit card, note. froftr IoU or other evidence of indebtedness eatit way be offered or accepted as part of the price of participating iva card game or as payment of a gatotify debt incurred thereig.
    (2) No action based on such a gathing debt is maintainable in a court of this state."

    Section 2. Section 62-707, R.C. 4. 1947, is amended to read as follows:
    "62-707. Local governing bodies ay issue licenses.
    (1) Any city, tovne or county may issue licenses for the

