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1	SENATE BILL NO9
2	INTRODUCED BYGRAHAM
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4	A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
5	REVISION OF LAWS RELATING TO GAMBLING."
6	
7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
8	Section 1. Section 62-706, R.C.H. 1947, is amended to
9	read as follows:
10	<pre>#62-706. Gambling on cash basis. (1) In every gambling</pre>
11	game-gonducted-pursuant to any gambling-law-of-the-state
12	authorized card game the consideration paid for the chance
13	to play shall be strictly cash. Every participant must
14	present the money with which he intends to play the gambling
15	game at the time the game is played. No check, credit card,
1 <del>6</del>	note, <del>I.C.U.</del> or other evidence of indebtedness <del>shall</del>
17	may be offered or accepted as part of the price of
18	participating in a gambling <u>card</u> game or as payment of a
19	gaabling debt incurred therein.
20	(2) No action based on <u>such</u> a <del>gambling</del> debt is
21	maintainable in a court of this state."
2 <b>2</b>	Section 2. Section 62-707, R.C.M. 1947, is amended to
23	read as follows:
24	"62-707. Local governing bodies may issue licenses.
25	(1) Any city, town, or county may issue licenses for the

gambling games provided for in this act to be conducted on 1 2 premises which have been licensed for the sale of liquor, beer, food, cigarettes, or any other consumable products. 3 Within the cities or towns, such licenses may be issued by 4 the city or town council or commission. Licenses for games 5 6 conducted on premises outside the limits of any city or town 7 may be issued by the county commissioners of the respective 8 counties. When a license has been required by any city, town, or county, no gasbling game as provided for in this 9 act shall be conducted on any premises which have been 10 11 licensed for the sale of liquor, beer, food, cigarettes, or 12 any other consumable product without such license having 13 first been obtained. 14 (2) Any governing body may charge an annual license fee for each license so issued under this act, which license 15 fee, if any, shall expire on June 30 of each year, and such 16 fee shall be prorated. 17 18 (3) Any license issued pursuant to this act shall be deemed to be a revocable privilege, and no holder thereof 19 shall may acquire any vested rights therein or thereunder." 20 21 Section 3. Section 62-708, R.C.H. 1947, is amended to read as follows: 22

23 "62-708. Governing body may establish regulations. The
24 governing body authorized to issue gambling licenses
25 pursuant to this act chall have the authority to may

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INTRODUCED BILL

establish by ordinance or resolution, regulations governing
 the qualifications for and the issuing, suspension, and
 revocation of such gambling licenses. These regulations, in
 addition to any other requirements, shall provide that no
 license ohall may be issued to:

6 4-(1) & a person who has been convicted of being the
7 keeper or is keeping a house of <u>ill fame</u>, <u>prostitution</u>;

8 2-(2) A a person who has been convicted of pandering
9 or other crime or misdemeanor opposed to decency and
10 morality, under the laws of the federal government or any
11 state of the United States-:

12  $3r(3) \pm a$  person whose license issued under this act 13 has been revoked for causer:

14  $\frac{4}{4}$   $\frac{4}{4}$   $\frac{4}{4}$  person who at the time of application for 15 renewal of any license issued hereunder would not be 16 eligible for such license upon a first application.

17  $\frac{5-(5)}{10} + \frac{3}{10}$  person who is not a citizen of the United 18 States and who has not been a resident of the state of 19 Montana for at least one (1) year immediately preceding the 20 filing of the application for licenser:

21 <u>6-(6)</u> # a person who is not the owner and operator of 22 the business. Additional regulations may also be adopted for 23 the purpose of the protection of the public health, welfare, 24 and safety of the citizens of the state of Montana and to 25 assure compliance with the intent of this act." Section 4. Section 62-709, R.C.M. 1947, is amended to
 read as follows:

3 "62-709. Minors may not participate. No person under
4 the age of eighteen (18) years shall may be permitted to
5 participate in any card game or games of shance held,
6 operated, or conducted pursuant to this act."

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

9 "62-710. Cheating unlawful. It shall be unlawful to 10 conduct or participate in a gambling card game authorized by 11 this act or any other gambling law in any manner which 12 results in cheating, misrepresentation, or other such 13 disreputable tactics which distract from a fair and equal 14 'chance for all participants or which otherwise affects the 15 outcome of the gambling game."

16 Section 6. Section 62-713, R.C.N. 1947, is amended to
17 read as follows:

18 "62-713. <del>Venue,</del> <u>Jurisdiction</u>, <del>Venue</del> <u>Jurisdiction</u> for
19 all cases involving violations of this act is in the
20 district court."

21 Section 7. There is a new R.C.M. section that reads as 22 follows:

Bingo and raffles authorized. Conducting or
participating in games of chance as defined in 62-716 and in
accordance with the provisions of this act is lawful.

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Section 8. Section 62-719, R.C.M. 1947, is amended to 1 2 read as follows:

\*62-719. Local governing bodies may issue licenses. 3 ц (1) Any city, town, or county may issue licenses for the gambling games of chance provided for in this act to be 5 conducted on premises which have been licensed for the sale 6 7 of liquor, beer, food, cigarettes, or any other consumable products. Within the cities or towns, such licenses may be 8 issued by the city or town council or commission. Licenses 9 10 for games conducted on premises outside the limits of any city or town may be issued by the county commissioners of 11 12 the respective counties. When a license has been required by 13 any city, town, or county, no gambling game of chance as provided for in this act shall may be conducted on any 14 15 premises which have been licensed for the sale of liquor, beer, food, cigarettes, or any other consumable product 16 17 without such license having first been obtained.

18 (2) Any governing body may charge an annual license fee for each license so issued under this act, which license 19 fee, if any, shall expire on June 30 of each year, and such 20 fee shall be prorated. 21

22 (3) Any license issued pursuant to this act shall be deemed considered to be a revocable privilege, and no holder 23 thereof shall may acquire any vested rights therein or 24 thereunder." 25

1 Section 9. Section 62-720, R.C.H. 1947, is amended to read as follows:

3 \*62-720. Governing body may establish regulations. (1) The governing body authorized to issue gambling licenses ą, 5 pursuant to this act shall have -- the -- authority -- to may establish by ordinance or resolution regulations governing 6 7 the qualifications for the issuing issuance, suspension, and revocation of such gambling licenses. These regulations, in 8 9 addition to any other requirements, shall provide that no 10 license shall may be issued to:

11 (1) (a) + a person who has been convicted of being the 12 keeper or is keeping a house of ill fase, prostitution:

13 +2+(b) A a person who has been convicted of pandering 14 or other crime or misdemeanor opposed to decency and 15 norality, under the laws of the federal government or any 16 state of the United States -:

17 (3) (c) A a person whose license issued under this act 18 has been revoked for causer:

19 (4) (d) A a person who at the time of application for 20 renewal of any license issued hereunder would not be 21 eligible for such license upon a first application-:

22 (5) (e) A a person who is not a citizen of the United States and who has not been a resident of the state of 23 24 Montana for at least one-(1) year immediately preceding the 25 filing of the application for licenser;

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1 (6) (f) \* a person who is not the owner and operator of 2 the business.

3 (2) Additional regulations may also be adopted for the 4 purpose of the protection of the public health, welfare and 5 safety of the citizens of the state of Montana and to assure 6 compliance with the intent of this act."

7 Section 10. Section 62-724, R.C.H. 1947, is amended to
8 read as follows:

9 #62-724. Gambling on cash basis. (1) In every gambling 10 gare of chance conducted-pursuant-to-any-gambling-law of the 11 state the consideration paid for the chance to play shall be 12 strictly cash. Every participant must present the money with 13 which he intends to play the gasbling game at the time the 14 game is played. No check, credit card, note, I-O-U, or 15 other evidence of indebtedness shall be offered or accepted 16 as part of the price of participation in a-gambling such 17 game or as payment of a gambling debt incurred therein.

18 (2) No action based on <u>such</u> a <del>gambling</del> debt is
19 maintainable in a court of this state."

20 Section 11. Section 62-725, R.C.M. 1947, is amended to 21 read as follows:

\*62-725. Cheating unlawful. It shall be unlawful to
conduct or participate in a gambling game of chance
authorized by this act or any other gambling law in any
manner which results in cheating, misrepresentation or

other such disreputable tactics which distract from a fair
 and equal chance for all participants or which otherwise
 affects the outcome of the gambling game."

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

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:

10 "62-729. Gambling on cash basis. (1) In every gambling gage---conducted----pursuant---to---any-gambling-law-of-the-state 11 12 sports pool the consideration paid for the chance to play 13 shall be strictly cash. Every participant must present the 14 money with which he intends to play the gambling game at the time the game pool is played entered. No check, credit card, 15 note, I.O.U. IOU, or other evidence of indebtedness shall be 16 17 offered or accepted as part of the price of participating in . 18 a qambling-game-or-as-payment-of-a-gambling-debt pool. 19 (2) No action based on a gambling debt incurred in a sports pool is maintainable in a court of this state." 20 21 Section 14. Section 62-730, R.C.M. 1947, is amended to 22 read as follows: 23 "62-730. Minors may not participate. No person under

24 the age of eighteen (18) years shall may be permitted to 25 participate in any game-or games of shange sports pool held,

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operated, or conducted pursuant to this act." 1 Section 15. Section 62-731, R.C.H. 1947, is amended to 2 3 read as follows: 4 "62-731. Cheating unlawful. It shall be unlawful to 5 conduct or participate in a gaspling gase sports pool 6 authorized by this act or any other qaebling law in any manner which results in cheating, misrepresentation, or 7 8 other such disreputable tactics which distract from a fair 9 and equal chance for all participants or which otherwise 10 affects the outcome of the qambling-qame pool." 11 Section 16. Section 62-735, R.C.H. 1947, is amended to 12 read as follows: "62-735. Venue Jurisdiction. Venue Jurisdiction for all 13 violations of this act is in the district court." 14 15 Section 17. Section 94-8-301, R.C.E. 1947, is amended to read as follows: 16 "94-8-301. Lottery defined. A lottery is any scheme 17 for the disposal or distribution of property by chance, 18 among persons who have paid or promised to pay any valuable 19 consideration for the chance of obtaining such property or a 20 portion of it, or for any share or interest in such 21 property, upon any agreement, understanding, or expectation 22 that it is to be distributed or disposed of by lot or 23 chance, whether called a lottery, raffle, or gift 24 enterprise, or by whatever name the same may be known." 25

1 Section 18. Section 94-8-302, R.C.M. 1947, is amended to read as follows: 2 3 \*94-8-302. Drawings-for-prizes--or--presives---not 44 contemplated by act, when Application. This act part shall 5 not apply to the provisions of 62-715 through 62-726 or to 6 the giving away of cash or merchandise attendance prizes or 7 premiums by public drawings at agricultural fairs or rodeo associations in this state, and the county fair 8 9 commissioners of agricultural fairs or rodeo associations in this state may give away at such fairs cash or merchandise 10 11 attendance prizes or premiums by public drawings." 12 Section 19. Section 94-8-401, R.C.M. 1947, is amended 13 to read as follows: 14 "94-8-401. Gambling games prohibited -- penalty --15 license-fees-for-gard-tables. Byery-person-who-deals,-or 16 carries ony opens or causes to be openedy or who conductsy 17 or---oawses--to--be--condwstedy--operates---or--rwasy--oitber-as 18 principal, agent, owner-or employee, whether-for--birey--or 19 pokery-grapsy-seven-and-a-halfy-twenty-oney-faroy--roulettey 20 21 <del>pangeni---er--pangene,--hokey-pokey,--draw-poker,-or-the-qawe</del> 22 commonly-known-ag-found-the-table-pokery-of-any--banking--of 23 percentage-game,-or-way-game-gementy knows ac-sure-thing 24 gamey-or-any-game-of-shance-played-with-sards, dise-or-any device--whatsoever---or-who-runs-or-conducts-or-causes-to-be 25

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1	run or conducted, or keeps any slot-machine, punchboard, or
2	<del>othercimilarmachine-or-device, or permits the same to be</del>
3	run-or-conducted-for-moneyy-checksy-oreditsy-or-any
4	representativeofvalueofanyproportyor-thing
5	whatsocvery-or any person-owning-or-in charge-ofanysigar
6	storeydrugstoreyor-other-place-of-businessy-or-any-place
7	where-drinks-are-sold or served, who permits any of the
8	gamesprohibitedin-this-section-to-be-played, in-or-about
9	<del>oush-digar-store, drugstore, or other-place of business,or</del>
10	Permitsanyslot-maskiney-punchboardy-er-similar-devise-to
11	be kep', therein, or any person or persons who conduct any
12	bucketshop where stocks or securities of any kind are sold
13	on-marging, and every person who plays or-bots at or against
14	said-probibited-gamesordevicesyorceptasbereinaftor
15	provided, is-guilty of a misdemeaner-and shall be punishable
16	bya-fine-of-pot-less-than-one-hundrod-dollars (\$100.00),
17	eer more-than-one-thousand-dollars-(\$1,000.00),-andmaybe
18	i∎prisonod-for-not-less-than-three-(3)-months, nor-more-than
19	one{1}yearyorbybothsuch£ineand-imprisonment;
20	{ <del>provided,_however,_that_itshall_belawfulforeigar</del>
21	<del>storosyfraternalorganizationsy-sharitable-organizationsy</del>
22	drugstores-and other places-of-business,-upon-the-payment of
23	a-ligence-fee-therefor-to-the-county-treasuror-in-the-cum-of
24	ten_dollars-(\$10,00)-annually-per-table-used-or-operated_in
25	such-place of businessy to maintain-and-keep for-the-use-and

pleasure-of-their-customers-and-patrons,-card-tables-and cards with which and at-which-such-cames-an-runny,-whict,

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place, equipment, or apparatus for such gambling or any agents or employees for such purpose is guilty of a misdemeanor and is punishable by a fine of not less than \$100 or more than \$1,000 or imprisonment not less than 3 months or more than 1 year or by both such fine and imprisonment."

7 Section 20. Section 94-8-404, R.C.H. 1947, is amended
8 to read as follows:

9 \*94-8-404. Possession gambling implements of 10 prohibited. Any person who has in his possessiony or under his control, or who permits to be placed, maintained, or 11 kept in any room, space, inclosure, or building, owned, 12 13 leased, or occupied by him, or under his management or control, any faro box, faro layout, roulette wheel, roulette 14 table, crap table, <del>slot machine,</del> or any machine or apparatus 15 of the kind mentioned in the preseding section of this ... act, 16 94-8-401 is punishable by a fine of not less than one 17 hundrod-nor \$100 or more than one-thousand-dellars, \$1,000 18 and may be imprisoned for not less than three 3 months not 19 20 or more than one 1 year in the discretion of the courter provided, however, that this section shall not apply to a 21 public officery or to a person coming into possession 22 thereof in or by reason of the performance of an official 23 duty and holding the same to be disposed of according to 24 1av." 25

Section 21. Section 94-8-411, R.C.H. 1947, is amended
to read as follows:

3 "94-8-411. Duty of magistrate to retain gambling 4 implement or apparatus for trial. The magistrate before whom 5 any machine, apparatus, or instrument is brought pursuant to 6 the preceding section <u>94-8-410</u> must, if there be is a 7 prisoner and if he shall-hold holds such prisoner, cause the R machine, apparatus, or instrument to be delivered to the county attorney to be used as evidence on the trial of such 9 10 prisoner. If there be is no prisoner, or if the magistrate 11 does not hold the prisoner, he the magistrate must cause the 12 immediate and public destruction of the machine, apparatus, 13 or instrument in <del>the</del> his own presence <del>of gaid magistrate</del>. No 14 person owning or claiming to own any such machine, 15 apparatus, or instrument so destroyed<del>, shall have <u>has</u> any</del> 16 right of action against any person or against the state. 17 ccunty, or city for the value of such article- or for 18 damages. It <del>shall-be</del> is the duty of the county attorney to 19 produce such articles in court on the trial of the case. It 20 <del>shall-be</del> is the duty of the trial court, after the disposition of the case, and whether the defendant be is 21 convicted, acquitted, or fails to appear for trial, to cause 22 23 the immediate and public destruction of any such article by 24 the sheriff or any other officer or person designated by the 25 court."

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Section 22. Section 94-8-413, B.C.M. 1947, is amended
 to read as follows:

"94-8-413. Authority to break and enter buildings 3 where games are probably being played. Every sheriff, 1 constable and public peace officer, having probable cause to -5 believe that any room, tent, or apartment is being used as a 6 room, tent, or apartment for the playing or conducting of 7 8 any of the games mentioned in this act, shall have authority to may break open any door, or opening into any such room, 9 10 tent, or apartment, with or without a warrant of arrest, for the purpose of arresting the offenders against this act." 11

Section 23. Section 94-8-422, R.C.M. 1947, is amended
to read as follows:

"94-8-422. Lessor of buildings used for gambling 14 purposes treated as principal. Whenever premises are 15 occupied for the doing of any of the things, or running any 16 of the games prohibited by this act part, the lease or 17 agreement under which they are so occupied shall be 18 absolutely void at the instance of the lessor, who may at 19 any time obtain possession by civil actiony or by action of 20 21 forcible unlayful detainer, and if If any person lease leases premises for any such purposey or knowingly permits 22 them to be used or occupied for such purpose or purposes, 23 24 or, knowing them to be so occupied or used, fails immediately to prosecute, in good faith an action or 25

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 building, in violation of this ast part, and
 shall be dealt with and punished accordingly."

6 Section 24. Section 94-8-424, R.C.H. 1947, is amended
7 to read as follows:

"94-8-424. Ordinances concerning gambling in-oonfligt 8 with-this-ast-woid. Open the passage of this act, all 9 ordinances-and-parts of ordinances of cities-and-towns-in 10 this -- state-- regarding-gambling-and gambling-bouses-shall-be 11 inoperative-and-void,-and-thereafter-no No ordinance 12 regarding gambling or gambling houses shall may be passed by 13 any city or town except in compliance with 62-701 through 14 15 62-736."

16 Section 25. Section 94-8-429, R.C.M. 1947, is amended 17 to read as follows:

18 \*94-8-429. Slot machine defined. A slot machine is hereby defined as a machine operated by inserting a coin, 19 token, chip, or trade check, or paper currency therein by 20 21 the player and from the play of which he obtains, or may obtainy money, checks, chips, or tokens, or paper\_currency 22 redeemable in money. Merchandise vending machines where the 23 element of chance does not enter into their operation are 24 25 not within the provisions of this act part."

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Section 26. Section 94-8-430, R.C.H. 1947, is amended
 to read as follows:

3 "94-8-430. Person or persons defined. In addition to their ordinary meaning, the word "person" or "persons," as 4 used in this act part, shall include includes both natural 5 and artificial persons and all partnerships, corporations, 6 7 associations, clubs, fraternal orders, and societies, 8 including religious, fraternal, and charitable 9 organizations."

 10
 Section 27. Repealer.
 Sections
 84-5703
 through

 11
 84-5719, 94-8-402, 94-8-403, 94-8-425, 94-8-426, and
 94-8-427, R.C.H. 1947, are repealed.

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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. <u>62-706</u>. "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. <u>62-713</u>. 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, <u>implying</u> 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. <u>62-719</u>. Changed "gambling games" to "games of chance", defined in 62-716 as bingo or raffles. See explanation of section 1.

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

Section 10.  $\underline{62-724}$ . Changed "gambling game" to "games of chance". See section 1 explanation.

Section 11.  $\underline{62-725}$ . 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. <u>62-729</u>. Changed "gambling game" to "sports pool". See section 1 explanation.

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

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

Section 16. <u>62-735</u>. 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"

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(94-8-301 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. <u>94-8-401</u>. 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 <u>Woodahl v. District Court</u>, 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. <u>94-8-411</u>. 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. <u>94-8-413</u>. 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. <u>94-8-422</u>. 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. <u>94-8-424</u>. 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. <u>94-8-429</u>. 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. <u>94-8-430</u>. 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 <u>State v. Tursch</u>, 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.

<u>94-8-425</u>, <u>94-8-426</u>, <u>94-8-427</u>. 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.

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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. 45th Legislature

SB 0009/02

Approved by Committee on Judiciary

1	SENATE BILL NO. 9
2	INTRODUCED BI GBARAN
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
5	REVISION OF LAWS FELATING TO GAMBLING."
6	
7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
8	Section 1. Section 62-706, R.C.M. 1947, is amended to
9	read as follows:
10	"62-706, Gambling on cash basis. (1) In every <del>gambling</del>
11	<del>game-conducted-purcuant-to-any-gambling-lawcfthectate</del>
12	<u>authorized card game</u> the consideration paid for the chance
13	to play shall be strictly cash. Every participant must
14	present the money with which he intends to play the <del>gambling</del>
15	game at the time the game is played. No check, credit card,
16	note, <del>I.O.U.</del> I <u>OU.</u> or other evidence of indebtedness <del>shall</del>
17	<pre>may be offered or accepted as part of the price of</pre>
18	participating in a <del>gambling</del> <u>card</u> game or as payment of a
19	gaabling debt <u>incurred therein</u> .
20	(2) No action based on <u>such</u> a <del>gambling</del> debt is
21	waintainable in a court of this state."
22	Section 2. Section 62-707, R.C.M. 1947, is amended to
23	read as follows:
24	*62-707. Local governing bodies may issue licenses.
25	(1) Any city, town, or county may issue licenses for the

gambling games provided for in this act to be conducted on 1 2 premises which have been licensed for the sale of liquor. beer, food, cigarettes, or any other crusumable products. 3 Within the cities or towns, such licenses may be issued by 4 the city or town council or commission. Licenses for games 5 conducted on premises outside the limits of any city or town 6 may be issued by the county commissioners of the respective 7 8 counties. When a license has been required by any city, 9 town, or county, no qashling game as provided for in this act shall be conducted on any premises which have been 10 11 licensed for the sale of liquor, beer, food, cigarettes, or 12 any other consumable product without such license having first been obtained. 13 14 (2) Any governing body may charge an annual license

15 fee for each license so issued under this act, which license 16 fee, if any, shall expire on June 30 of each year, and such 17 fee shall be prorated.

16 (3) Any license issued pursuant to this act shall be
19 deemed to be a revocable privilege, and no holder thereof
20 shall may acquire any vested rights therein or thereunder."
21 Section 3. Section 62-708, R.C.H. 1947, is amended to
22 read as follows:

r62-708. Governing body may establish regulations. The
governing body authorized to issue gambling licenses
pursuant to this act shall have the authority to may

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SECOND READING

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establish by ordinance or resolution, regulations governing
the gualifications for and the issuing, suspension, and
revocation of such gambling licenses. These regulations, in
addition to any other requirements, shall provide that no
license shall may be issued to:

6 4-(1) & a person who has been convicted of being the
7 keeper or is keeping a house of ill-fame- prostitution;

8  $\frac{2r(2)}{2}$  A a person who has been convicted of pandering 9 or other crime or misdemeanor opposed to decency and 10 morality, under the laws of the federal government or any 11 state of the United States.

12  $\frac{1}{2 + (3)}$  A a person whose license issued under this act 13 has been revoked for cause+:

14 4-(4) A a person who at the time of application for 15 renewal of any license issued hereunder would not be 16 eliqible for such license upon a first application-:

17  $5+(5) \pm a$  person who is not a citizen of the United 18 States and who has not been a resident of the state of 19 Montana for at least one-(1) year immediately preceding the 20 filing of the appl<sup>3</sup> stion for license-:

21 <u>6.(6)</u> \* a person who is not the owner and operator of 22 the business. Additional regulations may also be adopted for 23 the purpose of the protection of the public health, welfare, 24 and safety of the citizens of the state of Montana and to 25 assure compliance with the intent of this act." Section 4. Section 62-709, B.C.M. 1947, is amended to
 read as follows:

3 "62-709. Minors may not participate. Hc person under
4 the age of eighteen-(18) years shall may be permitted to
5 participate in any <u>card</u> game er-games-ef-games held,
6 operated, or conducted pursuant to this act."

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

9 \*62-710. Cheating unlawful. It shall be unlawful to 10 conduct or participate in a gambling <u>card</u> game authorized by 11 this act <del>or any other gambling law</del> in any manner which 12 results in cheating, misrepresentation, or other such 13 disreputable tactics which distract from a fair and equal 14 chance for all participants or which otherwise affects the 15 outcome of the gambling game."

16 Section 6. Section 62-713, R.C.M. 1947, is amended to
17 read as follows:

18 "62-713. Tenue, Jurisdiction, Tenue Jurisdiction for
19 all cases involving violations of this act is in the
20 district court."

21 Section 7. There is a new R.C.M. section that reads as 22 follows:

23 Bingo and raffles authorized. Conducting or

24 participating in games of chance as defined in 62-716 and in

25 accordance with the provisions of this act is lawful.

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Section 8. Section 62-719, R.C.H. 1947, is amended to
 read as follows:

\*62-719. Local governing bodies may issue licenses. З (1) Any city, town, or county may issue licenses for the 4 gambling games of chance provided for in this act to be 5 conducted on premises which have been licensed for the sale 6 of liquor, beer, food, cigarettes, or any other consumable 7 products. Within the cities or towns, such licenses way be 8 issued by the city or town council or commission. Licenses 9 for games conducted on premises outside the limits of any 10 city or town may be issued by the county commissioners of 11 the respective counties. When a license has been required by 12 any city, town, or county, no quabling game of chance as 13 14 provided for in this act <del>shall</del> may be conducted on any premises which have been licensed for the sale of liquor, 15 beer, food, cigarettes, or any other consumable product 16 without such license having first been obtained. 17

18 (2) Any governing body may charge an annual license
19 fee for each license so issued under this act, which license
20 fee, if any, shall expire on June 30 of each year, and such
21 fee shall be prorated.

(3) Any license issued pursuant to this act shall be
 doomed considered to be a revocable privilege, and no holder
 thereof shall may acquire any vested rights therein or
 thereunder."

Section 9. Section 62-720, E.C.H. 1947, is amended to
 read as follows:

3 "62-720. Governing body may establic's regulations. (1) a The governing body authorized to issue gambling licenses 5 pursuant to this act shall-have-the-authority-to may 6 establish by crdinance or resolution regulations governing 7 the qualifications for the issuance, suspension, and 8 revocation of such gambling licenses. These regulations, in 9 addition to any other requirements, shall provide that no 10 license shall may be issued to:

11 (1) (a) A a person who has been convicted of being the
12 keeper or is keeping a house of ill-face. prostitution;

13 (2)(b) = a person who has been convicted of pandering 14 or other crime or misdemeaner opposed to decency and 15 morality, under the laws of the federal government or any 16 state of the United States-:

17 (3)(C) A a person whose license issued under this act
18 has been revoked for cause+:

19 (4) (d) A a person who at the time of application for 20 renewal of any license issued hereunder would not be 21 eligible for such license upon a first application-

22 (5)(e) + a person who is not a citizen of the United 23 States and who has not been a resident of the state of 24 Hontana for at least one-(1) year immediately preceding the 25 filing of the application for license-:

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1 (6)(f) # a person who is not the owner and operator of
2 the business.

3 (2) Additional regulations may also be adopted for the 4 purpose of the protection of the public health, welfare and 5 safety of the citizens of the state of Montana and to assure 6 compliance with the intent of this act."

7 Section 10. Section 62-724, R.C.H. 1947, is amended to
8 read as follows:

9 #62-724. Gambling on cash basis. (1) In every gambling 10 game of chance conducted pursuant-to-any-gambling-law-of-the 11 state the consideration paid for the chance to play shall be strictly cash. Every participant must present the money with 12 13 which he intends to play the qambling game at the time the 14 game is played. No check, credit card, note, I-0-0, IOU, or 15 other evidence of indebtedness shall be offered or accepted 16 as part of the price of participation in a-gambling such 17 game or as payment of a gambling debt incurred therein.

18 (2) No action based on <u>such</u> a <del>gambling</del> debt is
19 maintainable in a court of this state."

20 Section 11. 5 stion 62-725, R.C.M. 1947, is amended to 21 read as follows:

\*\*62-725. Cheating unlawful. It shall be unlawful to
conduct or participate in a gambling game of chance
authorized by this act or any other gambling law in any
manner which results in cheating, misrepresentation, or

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other such disreputable tactics which distract from a fair 1 and equal chance for all participants or which ctherwise 2 affects the outcome of the gambling game." 7 Section 12. There is a new R.C.H. section that reads ш as follows: 5 Sports pools authorized. Conducting or participating in 6 7 sports pools as defined and governed in this act is lawful. 8 Section 13. Section 62-729. R.C.H. 1947, is amended to 9 read as follows: "62-729. Gambling on cash basis. (1) In every gambling 10 11 12 sports pool the consideration paid for the chance to play shall be strictly cash. Every participant must present the 13 14 money with which he intends to play the gambling game at the time the same pool is played entered. No check, credit card, 15 note, Ivovur 100, or other evidence of indebtedness shall be 16 17 offered or accepted as part of the price of participating in a qambling-qame-or-as-payment-of-a-qambling-debt pocl. 18 (2) No action based on a gambling debt incurred in a 19 sports pool is maintainable in a court of this state." 20 21 Section 14. Section 62-730, R.C.M. 1947, is amended to read as follows: 22 23 "62-730. Minors may not participate. No person under the age of eighteen-(18) years shall may be permitted to 24

25 participate in any game-or-games-of-shance sports pool held,

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1 operated, or conducted pursuant to this act."

Section 15. Section 62-731, R.C.M. 1947, is amended to
read as follows:

4 "62-731. Cheating unlawful. It shall be unlawful to 5 conduct or participate in a <u>gambling\_game\_sports\_pool</u> 6 authorized by this act <u>or\_any\_other\_gambling\_law</u> in any 7 manner which results in cheating, misrepresentation, or 8 other such disreputable tactics which distract from a fair 9 and equal chance for all participants or which ctherwise 10 affects the outcome of the <u>gambling\_game pool</u>."

Section 16. Section 62-735, R.C.H. 1947, is amended to
read as follows:

13 "62-735. Tenue Jurisdiction. Tenue Jurisdiction for all
14 violations of this act is in the district court."

15 Section 17. Section 94-8-301, B.C.H. 1947, is amended
16 to read as follows:

#94-8-301, Lottery defined, A lottery is any scheme 17 18 for the disposal or distribution of property by chance, among persons who have paid or promised to pay any valuable 19 consideration for the chance of obtaining such property or a 20 portion of it<sub>T</sub> or for any share or interest in such 21 property, upon any agreement, understanding, or expectation 22 that it is to be distributed or disposed of by lot or 23 24 chance, whether called a lottery, <del>maffle,....or</del> gift enterprise, or by whatever name the same may be known." 25

Section 18. Section 94-8-302, R.C.M. 1947, is amended
 to read as follows:

3 "94-8-302. Drawings-for-prises---Pi---premiums---not contemplated by act, when Application. This act part shall ш 5 not apply to the provisions of 62-715 through 62-726 or to the giving away of cash or merchandise attendance trizes or 6 7 premiums by public drawings at agricultural fairs cr rodeo 8 associations in this state, and the county fair 9 commissioners of agricultural fairs or rodeo associations in 10 this state may give away at such fairs cash or merchandise 11 attendance prizes or premiums by public drawings."

Section 19. Section 94-8-401, B.C.H. 1947, is amended
to read as follows:

14 \*94-8-401. Gambling games prohibited -- penalty --15 license--foos--for -card--tablos, Swery-person-who-deals,-or 16 GATE105-Ony-Opens-or-Gauses-to-be-openedy-or--who--conductsy 17 or--causes--to--be--conducted,--orerates--or-runs,-either-as 18 pringipaly-agenty-ounce-or-esployee,-whether-for-hize,--or 19 noty--any--gane--of--sontey--dondoy--fas-tan, tan,-etudhorse 20 POLOFY-Grappy-BOTCh-and-a-balfy-twenty-oney-farey-roulettey 21 pangeni--or--pangeney--hokey-pokeyy--draw-pokery-or-the-game 22 commonly known-ac round-the-table-pokery-or-any--banking--or 23 24 date,-of-any-date-of-chance-played-with-cards,-dise--of--any 25 dorice--whatgoever....or..who-runs-er-conducts-or-cawees-to-be

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1	<pre>Fub-of-conductedy-of-keepc-any-slot-machiney publicherdyof</pre>
2	<del>othersimilarmachine-or-device,-or-permits-the-same-to-be</del>
3	<del>run- orconductedfortoncyychecksycreditsyorany</del>
4	<del>reprosentative ofValueyoranyproportyorthing</del>
5	<del>whatseev</del> er <del>,-or-any-person-ewning-or-in-charge-of</del> a <del>nycigar</del>
6	<del>storeydrugstoreyor-other-place-of-businessy-or-any-plase</del>
7	#here-drinks-are-seld-erasevedywhepermitsanyete
8	gamesprohibitedin-this-section-to-be-playedy-in-st-about
9	<del>such gigar store, dragstore, er other place of buciness, - er</del>
10	permitsanyslot-mashingpunchboardy-or-similar-device-to
11	be-kept-thereiny-or-any-person-or-personswhoconductany
12	busketchopwhorectosks-or-securities-of-asy-kind-arc-cold
13	<del>on-warginsy-and-overy-person-who-plays-or-bets-at-or-against</del>
14	<del>said-prohibitod-gamesordevises,exceptashereinafter</del>
15	<del>provided,-is-guilty-of-a-misdemeanor-and-shall-bo-punishable</del>
16	byafineof-not-less-than-one-hundred-dollars-(\$100+00}y
17	nor-more-than-one-thousand-dollars-{\$1,000,00},-andmayte
18	imprisoned-for-not-less-than-three-(3)-monthsy-nor-scre-than
19	<del>one{1}yearyertybothsuchfineand-isprisonments</del>
20	{providedy-bovever -thatitshallbolawfulforcigar
21	storesyfracernalorganisationsy-sharitable-organisationsy
2 <b>2</b>	drugstoree-and-other-places-of-business;-upen-the-payment-of
23	a-ligence-fee-therefor-to-the-county-treasurer-in-the-cum-cf
24	*em-dellars-{\$10,00}annually-per-table-wred-or-operatedim
25	Bweh-place-of-business, to-maintain-and-keep-for-the-use-and
	-11- SP 9

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1	<del>pleasurooftheircustosersand-patronsy-car</del> d-tables-and
2	<del>Gards-with-which-and-at-Which-such-gamesasrummy,whicty</del>
3	bridge
4	<del>pangeni,sevenup,hearts,freese-out,sasino,solo,</del>
5	<del>cribbage,fivehundredy-penic-ante,-dominou,-high-five-and</del>
6	<del>checkerssaybeplayedforpastiseandasuses</del> estby
7	customerovhoarenotminorcyand-for-tho-maintenacco-of
8	<del>#high_a-charge_may-be_madey_te-be-paid_by-the_usersbyt</del> he
9	purchageoftradeokeokowhishmustberodeemableim
10	*orchamdime_at-the-going-retail-price-ofmuchmorchamdime,
11	*highisthestockintradeof-such-business(-and-that
12	<del>places-of-business-may,-upon-the-payment-ofalicensefee</del>
13	therefor to the county-treasurer in the sum of ten dellars
14	<del>(\$10,00)-annually, oxhibit-for-use-and-sale-to-all-sustoners</del>
15	not-minors,-tradestipulators,-suchaspullboardsand
16	tiskot boards, where cash-board-so-used-reteras-to-the-ewatr
17	or business not-to-croed-the-going cotail-price-of-the
18	goods-disposed-of-and-sold-and-disposed-of-throughtheuso
19	<del>ofthesameyand-+hish-goods-sold-and-disposed-of-through</del>
20	the-use-of-thesamemustmotbeotherthamthegoods
21	<del>constitutingthe-usual-stock-in-trade-of-the-business-ssing</del>
22	the same.] Prompt as otherwise provided by law, a person who
23	engages in gambling in any form with cards, dice, cr_other
24	implements or devices of any kind wherein anything valuable
25	is wagered upon the cutcome or who keeps any establishment,

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Place, equipment, or apparatus for such gambling or any agents or employees for such purpose is quilty of a Bisdemeanor and is punishable by a fine of not less than \$100 or more than \$1,000 or imprisonment not less than 3 Bonths or more than 1 year or by both such fine and Bisprisonment."

7 Section 20. Section 94-8-404, R.C.M. 1947, is amended
8 to read as follows:

"94-8-404. Fossession 9 of qambling implements 10 prohibited. Any person who has in his possession- or under 11 his control, or who permits to be placed, maintained, cr kept in any room, space, inclosure, or building, owned, 12 13 leased, or occupied by him, or under his management or 14 controly any faro box, faro laycut, roulette wheel, roulette 15 table, crap table, slot-sachine, or any machine or apparatus 16 of the kird mentioned in the preceding section of this - act, 17 94-8-401 is punishable by a fine of not less than one 18 hundred-nor \$100 or more than one-thousand-dellars, \$1,000 19 and may be imprisoned for not less than three 3 months nor or more than one 1 year in the discretion of the courte, 20 21 provided, -- hevever, that this section shall not apply to a 22 public officery or to a person coming into possession thereof in or by reason of the performance of an official 23 24 duty and holding the same to be disposed of according to 25 law."

Section 21. Section 94-8-411, R.C.M. 1947, is amended
 to read as follows:

3 "94-8-411. Duty of magistrate to retain gambling h implement or apparatus for trial. The magistrate before whom 5 any machine, apparatus, or instrument is brought pursuant to 6 the--preseding--sestion 94-8-410 ∎ust, if there be is a 7 prisoner and if he shall-hold holds such prisoner, cause the B machine, apparatus, or instrument to be delivered to the g county attorney to be used as evidence on the trial of such 10 prisoner. If there be is no prisoner, or if the magistrate does not hold the prisoner, he the magistrate must cause the 11 immediate and public destruction of the machine, apparatus, 12 13 or instrument in the his own presence of said sagistrate. No 14 person owning or claiming to own any such machine, 15 apparatus, or instrument so destroyed, shall have has any 16 right of action against any person or against the state, county, or city for the value of such articley or for 17 18 damages. It shall be is the duty of the county attorney to 19 produce such articles in court on the trial of the case. It 20 shall-be is the duty of the trial court, after the disposition of the case, and whether the defendant be is 21 22 convicted, acquitted, or fails to appear for trial, to cause the immediate and public destruction of any such article by 23 24 the sheriff or any other officer or person designated by the 25 court."

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1	<del>Section-22Section94-8-413,-R.C.M1947,-is-amended</del>
2	to-read-as-follows+
3	<b>194-8-413Authoritytobreakandenterbuildings</b>
4	<del>wherega#c</del> c <del>areprobablybeingplayedyBwory-sheriffy</del>
5	<del>constable-and-publi</del> c <u>peace</u> officer <sub>i</sub> having-probable-cause-to
6	believe-that-any-room,-tent,-or-apartment-is-being-uced-as-a
7	<del>roomy-tenty or-apartment-for the-playingorconductingof</del>
8	any-of-the games-mentioned-in-this-acty-shall-have-authority
9	to <u>may</u> break-open-any-doory-or-orening-into-any-cuch-roomy
10	<del>teat,-or-apartment,-with-or-without-a-warrant-of-arresty-for</del>
11	the-purpose-of-arrosting-the-offendero-against-this-act."
12	Section 22. Section 94-8-422, B.C.E. 1947, is amended
13	to read as follows:
14	*94-8-422. Lessor of buildings used for gambling
15	purposes treated as principal. Whenever premises are
16	cccupied for the doing of any of the things, cr running any
17	of the games prohibited by this <del>act</del> <u>part</u> , the lease or
18	agree∎ent under which they are so occupied shall be
19	absolutely void at the instance of the lessor, who way at
20	any time obtain persession by civil action, or by action of
21	forsible unlzeful detainert, and if If any person lease
22	<u>leases</u> premises for any such purpos <del>e,</del> or knowingly permits
23	them to be used or occupied for such purpose or purposes ${f v}$
24	$or_{a}$ knowing them to be so occupied or used, fails
25	immediately to prosecute, in good faith an action or

proceeding for the recovery of the premises, such lessor 1 shall be considered in all cases, civil and criminal, as a 2 principal in running the games or doing the things run or 3 done in such building, in violation of this act part, and Q, shall be dealt with and punished accordingly." 5 6 Section 23. Section 94-8-424, R.C.M. 1947, is amended 7 to read as follows: 8 "94-8-424. Ordinances concerning gambling in-semilist 9 with--this--act--void. Upon--the--passage of this-act, all 10 ordinances-and parts-of-ordinancer-of-cities--and--tewns--in 11 this--state--regarding-gambling-and-gambling-bouses-shall-be insporative--and--void,--and--thoreafter--ne No crdinance 12 13 regarding gambling or gambling bouses shall may be passed by any city, or town, COUNTY, OR OTHER POLITICAL SUBDIVISION OF 14 15 THE\_STATE except in compliance with 62-701 through 62-736.\*\* 16 Section 24. Section 94-8-429, B.C.M. 1947, is amended 17 to read as follows: 18 "94-8-429. Slot machine defined. A slot machine is hereby defined as a machine operated by inserting a coin, 19 20 token, chip, or trade check, or raper currency therein by 21 the player and from the play of which he obtains, or may obtainy money, checks, chips, or tokens, or paper currency 22

redeemable in money. Merchandise vending machines where the

element of chance does not enter into their operation are

not within the provisions of this act part."

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Section 25. Section 94-8-430, R.C.H. 1947, is amended
 to read as follows:

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3 "94-8-430. Person or persons defined. In addition to their ordinary meaning, the word "person" or "persons $r_{\mu}$  as 4 used in this act part, shall-include includes both natural 5 and artificial persons and all partnerships, corporations, 6 7 associations, clubs, fraternal orders, and sccieties, 8 including religious, fraternal, and charitable organizations." 9

10 Section 26. Repealer. Sections 84-5703 through
11 84-5719, 94-8-402, 94-8-403, <u>94-8-413</u>, 94-8-425, 94-8-426,
12 and 94-8-427, R.C.M. 1947, are repealed.

+Bnd-

45th Legislature

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SB 0009/02

Approved by Committee on Judiciary

1	SENATE BILL NO. 9
2	INTRODUCED BY GRAHAM
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
5	REVISION OF LAWS RELATING TO GAMBLING."
6	
7	BE IT BNACTED BY THE LEGISLATURE OF THE STATE OF BOJTANA:
8	Section 1. Section 62-706, R.C.H. 1947, is amended to
9	read as follows:
10	*62-706. Gambling on cash basis. (1) In every gambling
11	<del>gaar-conducted-persuant-to-any-gaabling-lau-of-the-state</del>
12	authorized card game the consideration paid for the chance
13	to play shall be strictly cash. Every participant must
14	present the money with which he intends to play the <del>gaabling</del>
15	game at the time the game is played. No check, credit card,
16	note, <del>L.G.U.</del> or other evidence of indebtedness <del>shall</del>
17	<u>may</u> be offered or accepted as part of the price of
18	participating in a <del>gambling</del> <u>card</u> game or as payment of a
19	<del>gaabling</del> debt <u>incurred therein</u> .
20	(2) No action based on <u>such</u> a <del>gaabling</del> debt is
21	maintainable in a court of this state."
22	Section 2. Section 62-707, R.C.M. 1947, is amended to
23	read as follows:
24	#62-707. Local governing bodies may issue licenses.
25	(1) any city, town, or county may issue licenses for the

1 saphing games provided for in this act to be conducted on 2 premises which have been licensed for the sale of liquor. 3 beer, food, cigarettes, or any other consumable products. 4 Within the cities or towns, such licenses may be issued by 5 the city or town council or commission. Licenses for games 6 conducted on premises cutside the limits of any city or town 7 may be issued by the county commissioners of the respective 8 counties. When a license has been required by any city, 9 town, or county, no <del>gambling</del> game as provided for in this act shall be conducted on any premises which have been 10 11 licensed for the sale of liquor, beer, food, cigarettes, or 12 any other consumable product without such license having 13 first been obtained.

14 (2) Any governing body may charge an annual license
15 fee for each license so issued under this act, which license
16 fee, if any, shall expire on June 30 of each year, and such
17 fee shall be prorated.

18 (3) Any license issued pursuant to this act shall be
19 deemed to be a revocable privilege, and no holder thereof
20 shall may acquire any vested rights therein or thereunder."
21 Section 3. Section 62-708, R.C.H. 1947, is amended to
22 read as follows:

r62-708. Governing body may establish regulations. The
governing body authorized to issue gambling licenses
pursuant to this act mhall-have-the mathematic may

There are no changes in <u>SB9</u>, and due to length will not -2be rerun. Please refer to yellow copy for complete text. THIRD READING

HOUSE OF REPRESENTATIVES

March 22, 1977

HOUSE COMMITTEE ON JUDICIARY AMENDMENTS TO SENATE BILL 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, co-operative cooperative association or any other person, individual, or organization who violates any of the provisions of this act<sub>7</sub> or who permits the use of any slot machine, as herein defined, on any place or premises owned, occupied, or controlled by him or it<sub>7</sub> shall-be is guilty of a misdemeanor and shall-be is punishable by a fine of not less than one-hundred-dollars-{\$100.00}7-nor or more than five-hundred-dollars-{\$100.00}7 \$1000 or by imprisonment in the county jail for not less than thirty-{30}-days-nor 3 months or more than six-{6}-months, 1 year or by both such fine and imprisonment."

Renumber: subsequent section

## AS AMENDED CONCURRED IN

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SENATE BILL NO. 9 L 2 INTRODUCED BY GRAHAM ذ A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL 4 REVISION OF LAWS RELATING TO GAMBLING." 2 5 BE IT ENALTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 1 Section 1. Section 62-706, R.C.M. 1947, is amended to 8 9 read as follows: #62-106. Gambling on cash basis. (1) In every gembling 10 game-conducted-pursuant-to-any-gambling--law--of--the--state 11 authorized care game the consideration paid for the chance 12 to play small be strictly cash. Every participant must 13 present the money with which he intends to play the gembling 14 game at the time the game is played. No check, credit card, 15 note, from ICU: or other evidence of indebtedness shall 16 May be offered or accepted as part of the price of 17 participating in a gembling card game or as payment of a 18 19 gembling debt incurred therein. (2) Ho action based on such a gembling debt is 20 maintainable in a court of this state." 21 Section 2. Section 62-707, R.C.M. 1947, is amended to 22 23 read as follows: "62-107. Local governing bodies may issue licenses. 24 (1) Any city, town, or county may issue licenses for the 25

REFERENCE BILL

1	gembling games provided for in this act to be conducted on
2	premises which have been licensed for the sale of liquor,
3	beer, food, cigarettes, or any other consumable products.
4	Within the cities or towns, such licenses may be issued by
خ	the city or town council or commission. Licenses for games
6	conducted on premises outside the limits of any city or town
7	may be issued by the county commissioners of the respective
ö	counties. When a license has been required by any city.
9	town <u>s</u> or county, no <del>gambling</del> game as provided for in this
10	act shall be conducted on any premises which have been
11	licensed for the sale of liquor, beer, food, cigarettes, or
12	any other consumable product without such license having
13	first been obtained.
14	(2) Any governing body may charge an annual license
15	fee for each license so issued under this act, which license
16	fae, if any, shall expire on June 30 of each year, and such
17	fee shall be prorated.
18	(3) Any license issued pursuant to this act shall be
19	deemed to be a revocable privilege, and no holder thereof
20	shall may acquire any vested rights therein or thereunder.*
21	Section 3. Section 62-708, R.C.M. 1947, is amended to
22	read as follows:
23	ოგ2-708. Governing body may establish regulations. The
24	governing body authorized to issue gambling licenses
25	pursuant to this act <del>shallhavetheauthorityto <u>may</u></del>

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establish by ordinance or resolutiony regulations governing
 the qualifications for and the issuing, suspension<u>s</u> and
 revocation of such gambling licenses. These regulations, in
 addition to any other requirements, shall provide that no
 license shall may be issued to:

b tw(1) A a person who has been convicted of being the
 7 keeper or is keeping a house of ill-famew prostitution:

8 2=(2) A a person who has been convicted of pandering 9 or other crime or misdemeanor opposed to decency and 10 morality, under the laws of the federal government or any 11 state of the United States:

12 ∃w(3) ★ a person whose license issued under this act
 13 has been revoked for causew:

14 4w[4] \* a person who at the time of application for 15 renewal of any license issued hereunder would not be 16 eligible for such license upon a first application\*:

17 5=(2) \* a person who is not a citizen of the United 18 States and who has not been a resident of the state of 19 Montana for at least one-(1) year immediately preceding the 20 filing of the application for license=1

21 6\*(6) A a person who is not the owner and operator of 22 the business. Additional regulations may also be adopted for 23 the purpose of the protection of the public health, welfare: 24 and safety of the citizens of the state of Montana and to 25 assure compliance with the intent of this act.\* 1 Section 4. Section 62-709, R.C.M. 1947, is amended to 2 read as follows:

3 \*62-709. Minors may not participate. No person under
4 the age of eighteen-(18) years shall may be permitted to
5 participate in any card game or--gomes--of-chance held,
6 operated, or conducted pursuant to this act.\*

7 Section 5. Section 62-710, R.C.M. 1947, is amended to 8 read as follows:

9 "62-710. Cheating unlawful. It shall be unlawful to 10 conduct or participate in a gambling <u>card</u> game authorized by 11 this act <del>or any other gambling law</del> in any manner which 12 results in cheating, misrepresentation, or other such 13 disreputable tactics which distract from a fair and equal 14 chance for all participants or which otherwise affects the 15 outcome of the gambling game."

16 Section 6. Section 62-713, R.C.M. 1947, is amended to 17 read as follows:

18 "62-713. Venuer Jurisdiction. Venue Jurisdiction for 19 all cases involving violations of this act is in the 20 district court."

21 Section 7. There is a new R.C.M. section that reads as 22 follows:

23 bingo and raffles authorized. Conducting or
 24 participating in games of chance as defined in 62-716 and in
 25 accordance with the provisions of this act is lawful.

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Section d. Section 62-719, R.C.M. 1947, is amended to
 read as follows:

3 \*62-719. Local governing bodies may issue licenses. 4 (1) Any city, towns or county may issue licenses for the 5 asabling games of chance provided for in this act to be 6 conducted on premises which have been licensed for the sale 7 of liquor, beer, food, cigarettes, or any other consumable 8 products. Within the cities or towns, such licenses may be 9 issued by the city or town council or commission. Licenses 10 for games conducted on premises outside the limits of any 11 city or town may be issued by the county commissioners of 12 the respective counties. When a license has been required by 13 any city, town, or county, no genbling game of chance as 14 provided for in this act shall may be conducted on any 15 premises which have been licensed for the sale of liquor, beer, food, cigarettes\_ or any other consumable product 16 17 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<sub>1</sub> 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 <u>cunsidered</u> to be a revocable privilege, and no holder
 thereof <del>snall <u>may</u></del> acquire any vested rights therein or
 thereunder."

1	Section 9. Section 62-720, R.C.M. 1947, is amended to
2	read as tollows:
3	#62-720. Governing body may establish regulations. (1)
4	The governing body authorized to issue gambling licenses
5	pursuant to this act <del>shallhavetheauthorityto pay</del>
4	establish by ordinance or resolution regulations governing
7	the qualifications for the issuing issuance, suspension, and
8	revocation of such gambling licenses. These regulations, in
9	addition to any other requirements, shall provide that no
10	license shall may be issued to:
11	(1)(a) ★ a person who has been convicted of being the
12	keeper or is keeping a house of <del>ill-fame,</del> <u>prostitution:</u>
13	$(2)$ (2) $\star$ g person who has been convicted of pandering
14	or other crime or misdemeanor opposed to decency and
15	morality, under the laws of the federal government or any
16	state of the United States <del>vi</del>
17	(3)(C) A a person whose license issued under this act
18	nas been revoked for cause <del>vi</del>
19	$(4)(g) \star a$ person who at the time of application for
20	renewal of any license issued hereunder would not be
21	eligiole for such license upon a first application <del>s</del> i
22	<del>(&gt;)[e] * a</del> person who is not a citizen of the United
23	States and who has not been a resident of the state of
24	Montana for at least <del>one-(1)</del> year immediately preceding the
25	filing of the application for licenses:

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1 2

 $\frac{1}{1}\frac{1}{1}$  =  $\frac{1}{1}$  erson who is not the owner and operator of the business.

з 12) Additional regulations may also be adopted for the purpose of the protection of the public health, welfare and 4 5 safety of the citizens of the state of Montana and to assure compliance with the intent of this act." 6

7 Section 10. Section 62-724, R.C.M. 1947, is amended to 8 read as follows:

9 \*62-724. Gambling on cash basis. (1) In every gambling 10 game of chance conducted pursuant to any combling law of the 11 state the consideration paid for the chance to play shall be 12 strictly cash. Every participant must present the money with which he intends to play the gembling game at the time the 13 14 game is played. No check, credit card, note, from IDU, or other evidence of indebtedness shall be offered or accepted 15 as part of the price of participation in a-gambling such 16 17 game or as payment of a gambling debt incurred therein.

(2) No action based on such a gembling debt is 18 19 maintainable in a court of this state."

20 Section 11. Section 62-725, R.C.M. 1947, is amended to 21 read as follows:

22 \*62-725. Cheating unlawful. It shall be unlawful to conduct or participate in a **sampling** game of chance 23 authorized by this act pr--any-other-gambling law in any 24 manner which results in cheating, misrepresentation, or 25

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other such disreputable tactics which distract from a fair 1 2 and equal chance for all participants or which otherwise affects the outcome of the gambling game." 3

Section 12. There is a new R.C.M. section that reads 4 5 as follows:

6 Sports pools authorized. Conducting or participating in 7 sports pools as defined and governed in this act is lawful. 8 Section 13. Section 62-729. R.C.M. 1947. is amended to 9 read as follows:

10 #62-729. Gambling on cash basis. (1) In every combling 11 game--conducted--pursuant--to--any-gambling-law-of-the-state 12 sports pool the consideration paid for the chance to play 13 shall be strictly cash. Every participant must present the money with which he intends to play the cambling ame at the 14 time the game <u>pool</u> is played <u>entered</u>. No check, credit card, 15 16 note. indebtedness shall be 17 offered or accepted as part of the price of participating in 18 a gambling-game-or-as-payment-of-a-gambling-debt pool.

19 (2) No action based on a **cambing** debt incurred in a 20 sports pool is maintainable in a court of this state."

Section 14. Section 62-730, R.C.N. 1947, is amended to 21 22 read as follows:

23 #62-730. Hinors may not participate. No person under 24 the age of <del>cighteen-(18)</del> years shall <u>may</u> be permitted to 25 participate in any game-or-games-of-chance sports pool held,

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1 operated, or conducted pursuant to this act." Section 15. Section 62-731, R.C.M. 1947, is amended to 2 3 read as follows: "62-731. Cheating unlawful. It shall be unlawful to 4 conduct or participate in a sembling--game sports pool 5 authorized by this act or--any-other-gambling-law in any 6 7 manner which results in cheating, misrepresentations or other such disreputable tactics which distract from a fair 8 9 and equal chance for all participants or which otherwise affects the outcome of the gambling-game pool." 10 Section 16. Section 62-735, R.C.M. 1947, is amended to 11 read as follows: 12 #62-735. Venue Jurisdiction. Venue Jurisdiction for all 13 violations of this act is in the district court." 14 Section 17. Section 94-8-301, R.C.M. 1947, is amended 15 to read as follows: 16 #94-8-301. Lottery defined. A lottery is any scheme 17 for the disposal or distribution of property by chancer 18 19 among persons who have paid or promised to pay any valuable consideration for the chance of obtaining such property or a 20 portion of ity or for any share or interest in such 21 property, upon any agreement, understanding, or expectation 22 that it is to be distributed or disposed of by lot or 23 chance, whether called a lottery, raffley--or gift 24 enterprise, or by whatever name the same may be known." 25

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1	Section 18. Section 94-8-302, R.C.M. 1947; is amended
2	to read as follows:
3	₩94-8-302. <del>Drawings-for-prizesorpremiumsnot</del>
4	contemplatedby-acty-when <u>Application</u> . This act <u>part</u> shall
5	not apply to the <u>provisions of 62-715 through 62-726 or to</u>
6	the giving away of cash or merchandise attendance prizes or
7	premiums by public drawings at agricultural fairs or rodeo
8	associations in this state, and the county fair
9	commissioners of agricultural fairs or rodeo associations in
10	this state may give away at such fairs cash or merchandise
11	attendance prizes or premiums by public drawings."
12	Section 19. Section 94-8-401; R.C.M. 1947; is amended
13	to read as follows:
14	#94-8-401. Gambling <del>games</del> prohibited penalty
15	<del>license-fees-for-card-tables.</del> Every-person-who-dealsy-or
16	carries-ony-opens-or-causes-to-be-openedy-orwhoconductsy
17	orcausestobeconductedyoperates-or-runsy-either-as
18	principaly-agenty-owner-or-employeev-whetherforhireyor
19	notyanygameofmonteydondoyfan-tany-tany-studhorse
20	pokery-crapsy-seven-and-a-haify-twenty-oney-faroyroulettay
21	pangentorpangeneyhokey-pokeyydraw-pokery-or-the-game
22	commonly-known-as-round-the-table-pokery-or-anybankingor
23	percentagega <del>merorany-game-commonly-known-as-sure-thing</del>
24	gamev-or-any-game-of-chance-played-with-cardsv-diceorany
25	devicewhatsoeveryor-who-runs-or-conducts-or-causes-to-be

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1	fun-or-conductedy-or-keeps-any-slot-machiney-punchboardyor
2	othersimilarmachine-or-devicey-or-permits-the-same-to-be
3	runorconductedformoneyychecksycreditsyorany
4	representativeofvalueyoranypropertyorthing
5	whatsoevery-or-any-person-owning-or-in-charge-ofanycigar
6	<del>storey-drugstorey-or-other-place</del> of-businessy-or-any-place
7	where-drinks-are-sold-or-servedywhopermitsanyofthe
8	gamesprohibitedin-this-section-to-be-playedy-in-or-about
9	such-cigor-storey-drugstorey-or-other-place-of-businessyor
10	permitsanysist-mechiney-punchboardy-or-similar-device-to
11	be-kept-thereiny-or-any-person-or-personswhoconductany
12	bucketshopwherestocks-or-securities-of-any-kind-are-sold
13	on-marginsy-ana-every-person-who-plays-or-bets-at-or-agoinst
14	said-prohibited-gamesordevicesyexceptashereinafter
15	providedy-is-guilty-of-a-misdemeanor-and-shall-be-punishable
16	byafineof-not-less-thon-one-hundred-dollars-(\$108+0&}y
17	nor-more-then-one-thousand-dollars-(\$1+000+00)+-andmaybe
18	imprisoned-for-not-less-than-three-(3)-monthsy-nor-wore-than
19	one{1}yearyorbybothsuchfineand-imprisonment;
20	{providedy-noweverythatitshallbelawfulforcigar
21	storesyfraternalorganizationsy-charitable-organizationsy
22	drugstores-and-other-places-of-businessy-upon-the-poyment-of
23	<del>s-license-fee-therefor-to-the-county-treasurer-in-the-sum-of</del>
24	ten-dollars-(\$10x00)-annuolly-per-table-used-or-operatedin
25	<del>such-place-of-</del> businessy-to-maintain-and-keep-for-the-use-and

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1	p <del>leosureoftheircustomersand-patronsy-card-tables-a</del> nd
2	cords-with-which-and-at-which-such-gamesasrunwyywhisty
3	bridgewhistyblackjackyeuchreypinochleypanganeor
4	p <del>angenivseven-upvheartsvfreeze-outvcasinovsolov</del>
5	cribbagey-five-hundredy-penie-antey-dominosy-high-five-and
b	checkersmaybeplayedforpastimeandamusementby
7	customerswhoarenotminorsy-and-for-the-maintenance-of
8	which-a-charge-may-be-madey-to-be-paid-by-the-usersbythe
9	purchaseoftradecheckswhichmustberedeemoblein
10	merchandise-at-the-going-retail-price-ofsuchmerchandisey
11	whichisthestockintrodeof-such-business;-and-that
12	places-of-business-mayy-upon-the-payment-ofalicensefee
13	therefortothe-county-treasurer-in-the-sum-of-ten-dollars
14	<del>{\$10x00}~annuallyv-exhibit-for-use-on</del> d- <del>sale-to-oll-customers</del>
15	not-minorsy-tradestimulatorsysuchaspullboardsand
16	ticket-bourdsy-where-each-board-so-used-returns-to-the-owner
17	orbusinessnottoexceedthe-going-retail-price-of-the
18	goods-disposed-of-and-sold-and-disposed-of-throughtheuse
19	ofthewa <b>meyand-which-goods-sald-and-dispased-of-through</b>
20	the-use-o <del>f-thesomemustnotbeotherthanthegoods</del>
21	constituting-the-usual-stock-in-trade-of-the-businesa-using
22	the-same»] Except as otherwise provided by law, a person who
23	engages in gambling in any form with cards, dice, or other
24	implements or devices of any kind wherein anything valuable
25	is wagered upon the outcome or who keeps any establishment.

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1 places equipments of apparatus for such gambling or any 2 agents or employees for such purpose is guilty of a 3 misdemeanor and is punishable by a fine of not less than 4 \$100 or more than \$1,000 or imprisonment not less than 3 5 months or more than 1 year or by both such fine and 6 imprisonments"

7 Section 20. Section 94-8-404, R.C.M. 1947, is amended 5 to read as follows:

▶94-8-404. Possession gambling ų, of inplements prohipited. Any person who has in his possessiony or under 10 his controly or who permits to be placed, maintained, or 11 12 kept in any room, space, inclosure, or building, owned, leaseds or occupied by himmy or under his management or 13 controly any faro box, faro layout, roulette wheel, roulette 14 table, crap table, slot-machine, or any machine or apparatus 15 of the kind mentioned in the-preceding-section-of-this--acty 16 <u>94-8-401</u> is punishable by a fine of not less than one 17 hundred-nor <u>\$100 or</u> more than one-thousand--dollarsy <u>\$1,000</u> 18 19 and may be imprisoned for not less than three 3 months nor or more than one 1 year in the discretion of the court+1 20 providedy--howevery that this section shall not apply to a 21 public officery or to a person coming into possession 22 thereof in or by reason of the performance of an official 23 duty and holding the same to be disposed of according to 24 25 law."

Section 21. Section 94-8-411, R.C.M. 1947, is amended
 to read as follows:

"94-8-411. Duty of magistrate to retain gambling 3 4 implement or apparatus for trial. The magistrate before whom any machine, apparatus, or instrument is brought pursuant to 5 ъ the -- preceding -- section 94-8-410 must, if there be is a 7 prisoner and if he shall-hold holds such prisoner, cause the я machine, apparatus, or instrument to be delivered to the 9 county attorney to be used as evidence on the trial of such 10 prisoner. If there be is no prisonery or if the magistrate 11 does not hold the prisoner, he the magistrate must cause the 12 immediate and public destruction of the machine, apparatus, 13 or instrument in the his own presence of-soid-magistrate. No 14 person owning or claiming to own any such machine, apparatus, or instrument so destroyed,-shell-have has any 15 right of action against any person or against the state. 16 17 county, or city for the value of such articley or for damages. It shall-be is the duty of the county attorney to 18 19 produce such articles in court on the trial of the case. It 20 shall--be is the duty of the trial court, after the 21 disposition of the case, and whether the defendant be is 22 convicted, acquitted, or fails to appear for trial, to cause 23 the immediate and public destruction of any such article by 24 the sheriff or any other officer or person designated by the 25 court.#

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L	Section-22ssection94-8-413y-RsCwMw-1947y-is-amended
2	to-read-as-follows+
3	#94-d-413*Authoritytobreakandenterbuildings
4	wheregamesareprobablybeingplayedsEvery-shariffy
5	constable-and-public <u>peace</u> officery having-probable-cause-to
6	believe-that-any-roomy-tenty-or-apartment-is-being-used-as-a
7	roomy-tenty-or-apartment-for-the-playingorconductingof
8	any-of-the-games-mentioned-in-this-acty-shall-have-authority
9	to <u>may</u> break-open-any-doory-or-opening-into-any-such-roomy
10	tenty-or-apartmenty-with-or-without-a-warrant-of-arresty-for
11	the-purpose-of-arresting-the-affenders-against-this-acts#
12	Section 22. Section 94-8-422, R.C.M. 1947, is amended
13	to read as follows:
14	■94-8-422. Lessor of buildings used for gambling
15	purposes treated as principal. Whenever premises are
16	occupied for the doing of any of the things ${f v}$ or running any
17	of the games prohibited by this act part, the lease or
18	agreement under which they are so occupied shall be
19	absolutely void at the instance of the lessor, who may at
20	any time obtain possession by civil actiony or by action of
21	forcible unlawful detainerts and wif If any person lease
22	leases premises for any such purpose or knowingly permits
23	them to be used or occupied for such purpose or purposes <del>,</del>
24	or knowing them to be so occupied or used, fails
25	immediately to prosecuter in good faith an action or

L 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 building, in violation of this act party and shall be dealt with and punished accordingly." 6 Section 23. Section 94-8-424, R.C.N. 1947, is amended

11 this--state--regarding-gambling-and-gambling-houses-shall-be 12 13 regarding gambling or gambling houses shall may be passed by any city, or town, COUNTY, OR DIHER POLITICAL SUBDIVISION OF 14 15 IHE\_STATE except in compliance with 62-701 through 62-736." 16 Section 24. Section 94-8-429, R.C.M. 1947, is amended 17 to read as follows: "94-8-429. Slot machine defined. A slot machine is 18 19 hereby defined as a machine operated by inserting a coin,

19 hereby defined as a machine operated by inserting a coin, 20 token, chip<sub>1</sub> or trade check<u>s or paper currency</u> therein by 21 the player and from the play of which he obtainst or may 22 obtainy money, checks, chips<sub>1</sub> or tokens<u>1 or paper currency</u> 23 redeemable in money. Merchandise vending machines where the 24 element of chance does not enter into their operation are 25 not within the provisions of this set part."

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Section 25. Section 94-8-430, R.C.M. 1947, is amended 1 ż to read as follows: 3 #94-8-430. Person or persons defined. In addition to their ordinary meaning, the word "person" or "persons,", as 4 used in this ect part, shall-include includes both natural 5 6 and artificial persons and all partnerships, corporations, 7 associations, clubs, fraternal orders, and societies, including religious, fraternalı charitable 8 and 9 organizations." Section 26. Repealer. Sections 84-5703 through 10

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10 Section 200 Repeaters Sections of 5005 Chroage 11 84-5719, 94-8-402, 94-8-403, <u>94-8-413</u>, 94-8-425, 94-8-426, 12 and 94-8-427, K.C.M. 1947, are repealed.

-End-

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25

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1	SENATE BILL NO. 9
z	INTRODUCED BY GRAHAM
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
5	REVISION DF LAWS RELATING TO GAMBLING."
6	
7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
8	Section 1. Section 62-706, R.C.M. 1947, is amended to
9	read as follows:
10	*62-706。 Gambling on cash basis。(1) In every <del>gambling</del>
11	game-conducted-pursuant-to-any-gambling-law-ofthestate
12	authorized card game the consideration paid for the chance
13	to play shall be strictly cash. Every participant must
14	present the money with which he intends to play the <del>gambling</del>
15	game at the time the game is played. No check, credit card,
16	note <del>, 1+8+8+ IDU,</del> or other evidence of indebtedness <del>shall</del>
17	<pre>may be offered or accepted as part of the price of</pre>
18	participating in a <del>gambling</del> <u>card</u> game or as payment of a
19	gambling debt incurred therein.
20	(2) No action based on <u>such</u> a <del>gambling</del> debt is
21	maintainable in a court of this state."
22	Section 2. Section 62-707, R.C.M. 1947, is amended to
23	read as follows:
24	#62-707. Local governing bodies may issue licenses.

(1) Any city, towns or county may issue licenses for the

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premises which have been licensed for the sale of liquor. 2 beer, food, cigarettes, or any other consumable products. 3 4 Within the cities or towns, such licenses may be issued by the city or town council or commission. Licenses for games 5 conducted on premises outside the limits of any city or town 6 may be issued by the county commissioners of the respective 7 8 counties. When a license has been required by any city, 9 towns or county, no gambling game as provided for in this 10 act shall be conducted on any premises which have been 11 licensed for the sale of liquor, beer, food, cigarettes, or 12 any other consumable product without such license having 13 first been obtained. 14 (2) Any governing body may charge an annual license 15 fee for each license so issued under this act, which license 16 fee. if any, shall expire on June 30 of each year, and such fee shall be prorated. 17 18 (3) Any license issued pursuant to this act shall be 19 deemed to be a revocable privilege, and no holder thereof 20 shall may acquire any vested rights therein or thereunder."

gambling games provided for in this act to be conducted on

21 Section 3. Section 62-708, R.C.N. 1947, is amended to 22 read as follows:

e62-708. Governing body may establish regulations. The
 governing body authorized to issue gambling licenses
 pursuant to this act shall--have--the--suthority--to may

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establish by ordinance or resolution, regulations governing
 the qualifications for and the issuing, suspension, and
 revocation of such gambling licenses. These regulations, in
 addition to any other requirements, shall provide that no
 license shall may be issued to:

6 ±v(1) \* a person who has been convicted of being the
7 keeper or is keeping a house of ill-famev prostitution:

8 <u>2v(2)</u> \* a person who has been convicted of pandering 9 or other crime or misdemeanor opposed to decency and 10 morality, under the laws of the federal government or any 11 state of the United Statesw;

12 3w(3) \* a person whose license issued under this act 13 has been revoked for causew:

14 <u>4w14)</u> \* <u>a</u> person who at the time of application for 15 renewal of any license issued hereunder would not be 16 eligible for such license upon a first applicationw:

17 5=(5) \* a person who is not a citizen of the United 18 States and who has not been a resident of the state of 19 Montana for at least one-(1) year immediately preceding the 20 filing of the application for license=:

21 <u>6\*[6] \* a person who is not the owner and operator of</u>
22 the business. Additional regulations may also be adopted for
23 the purpose of the protection of the public health, welfare,
24 and safety of the citizens of the state of Montana and to
25 assure compliance with the intent of this act."

1 Section 4. Section 62-709, R.C.M. 1947, is amended to 2 read as follows:

3 \*62-709. Minors may not participate. No person under 4 the age of eighteen-(18) years shall may be permitted to 5 participate in any <u>card</u> game or--games--of-chance held, 6 operated, or conducted pursuant to this act."

7 Section 5. Section 62-710, R.C.M. 1947, is amended to 8 read as follows:

9 "62-710. Cheating unlawful. It shall be unlawful to 10 conduct or participate in a gambling card game authorized by 11 this act or-any-other-gambling-law in any manner which 12 results in cheating, misrepresentation, or other such 13 disreputable tactics which distract from a fair and equal 14 chance for all participants or which otherwise affects the 15 outcome of the gambling game."

Section 6. Section 62-713, R.C.M. 1947, is amended to read as follows:

18 \*62-713. Venue: Jurisdiction. Venue Jurisdiction for
19 all cases involving violations of this act is in the
20 district court.\*

21 Section 7. There is a new R.C.M. section that reads as 22 follows:

Bingo and raffles authorized. Conducting or
participating in games of chance as defined in 62-716 and in
accordance with the provisions of this-ect 62-715 THRDUGH

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1 <u>62-726</u> is lawful.

2 Section 8. Section 62-719, R.C.M. 1947, is amended to 3 read as follows:

#62-719. Local governing bodies may issue licenses. 4 (1) Any city+ town± or county may issue licenses for the 5 gambling games of chance provided for in this act to be 6 conducted on premises which have been licensed for the sale 7 6 of liquor, beer, food, cigarettes, or any other consumable products. Within the cities or towns, such licenses may be 9 10 issued by the city or town council or commission. Licenses for games conducted on premises outside the limits of any 11 city or town may be issued by the county commissioners of 12 13 the respective counties. When a license has been required by 14 any city, town, or county, no ambling game of chance as 15 provided for in this act shall may be conducted on any premises which have been licensed for the sale of liquor, 16 17 beer, food, cigarettes, or any other consumable product 18 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 anys 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 shall may acquire any vested rights therein or

1 thereunder.\* Section 9. Section 62-720, R.C.M. 1947, is amended to 2 3 read as follows: \*62-720. Governing body may establish regulations. (1) 4 5 The governing body authorized to issue gambling licenses 6 pursuant to this act shell--have--the--authority--to may 7 establish by ordinance or resolution regulations governing a the qualifications for the issuing issuance, suspension, and revocation of such gambling licenses. These regulations. in 9 addition to any other requirements, shall provide that no 10 11 license shall may be issued to: 12 (1)(a) A a person who has been convicted of being the 13 keeper or is keeping a house of ill-fomew prostitution: 14 (2)(b) A a person who has been convicted of pandering 15 or other crime or misdemeanor opposed to decency and 16 morality, under the laws of the federal government or any 17 state of the United Statesw: 18 (3) A person whose license issued under this act 19 has been revoked for cause-: 20 (4)(d) \* a person who at the time of application for 21 renewal of any license issued hereunder would not be 22 eligible for such license upon a first applications; 23 (5)(e) A a person who is not a citizen of the United 24 States and who has not been a resident of the state of

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Montana for at least one-(1) year immediately preceding the

1	filing of the application for license <del>.</del>	1	manner which results in cheating, misrepresentations or
2	(6)(f) A g person who is not the owner and operator of	2	other such disreputable tactics which distract from a fair
3	the business.	3	and equal chance for all participants or which otherwise
4	[2] Additional regulations may also be adopted for the	4	affects the outcome of the <del>gambling</del> game."
5	purpose of the protection of the public health, welfare and	5	Section 12. There is a new R.C.M. section that reads
6	safety of the citizens of the state of Montana and to assure	6	as follows:
7	compliance with the intent of this act."	7	Sports pools authorized. Conducting or participating in
8	Section 10. Section 62-724, R.C.M. 1947, is amended to	8	sports pools as defined and governed in this-act <u>62-121</u>
9	read as follows:	9	<u>IHROUGH 62-736</u> is lawful.
10	#62-724。 Gambling on cash basis。(1) In every <del>gambling</del>	10	Section 13. Section 62-729, R.C.M. 1947, is amended to
11	game <u>of chance</u> conducted-pursuant-to-any-gambling-law-of-the	11	read as follows:
12	state the consideration paid for the chance to play shall be	12	#62-729. Gambling on cash basis. (1) In every <del>gambling</del>
13	strictly cash. Every participant must present the mone 'with	13	game-conducted-pursuant-to-any-gamblinglaw-ofthestate
14	which he intends to play the <del>gambling</del> game at the time the	14	sports pool the consideration paid for the chance to play
15	game is played. No check, credit card, note, <del>IwBalls</del> <u>IDU</u> , or	15	shall be strictly cash. Every participant must present the
16	other evidence of indebtedness shall be offered or accepted	16	money with which he intends to play <del>the gambling game</del> at the
17	as part of the price of participation in <del>a-gambling such</del>	17	time the <del>game pool</del> is <del>played <u>entered</u>. No check, credit card,</del>
18	game or as payment of a <del>gambling</del> debt <u>incurred therein</u> .	18	note, <del>IwBwUw ICUs</del> or other evidence of indebtedness shall be
19	(2) No action based on <u>such</u> a <del>gambling</del> debt is	19	offered or accepted as part of the price of participating in
20	maintainable in a court of this state."	20	a gambling-game-or-as-payment-of-a-gambling-debt pool.
21	Section 11. Section 62-725, R.C.M. 1947, is amended to	21	(2) No action based on a <del>gambling</del> debt <u>incurred in a</u>
22	read as follows:	22	sports pool is maintainable in a court of this state.M
23	<pre>%62-725. Cheating unlawful. It shall be unlawful to</pre>	23	Section 14. Section 62-730, R.C.M. 1947, is amended to
24	conduct or participate in a <del>cambling</del> game of chance	24	read as follows:
25	authorized by this act <del>or-anyothergambling-law</del> in any	25	#62-730. Minors may not participate. No person under

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the age of eighteen--(18) years shall may be permitted to
 participate in any game or games of chance sports pool held.
 operated or conducted pursuant to this act."

4 Section 15. Section 62-731, R.C.M. 1947, is amended to 5 read as follows:

6 "62-731. Cheating unlawful. It shall be unlawful to 7 conduct or participate in a <u>gambling-game sports pool</u> 8 authorized by this act <del>or any-other-gambling-law</del> in any 9 manner which results in cheating, misrepresentation, or 10 other such disreputable tactics which distract from a fair 11 and equal chance for all participants or which otherwise 12 affects the outcome of the <del>gambling-game</del> pool."

13 Section 16. Section 62-735, R.C.M. 1947, is amended to 14 read as follows:

\*62-735. Venue <u>Jurisdiction</u>. Venue <u>Jurisdiction</u> for all
 violations of this act is in the district court.\*

17 Section 17. Section 94-8-301, R.C.M. 1947, is amended 18 to read as follows:

19 "94-8-301. Lottery defined. A lottery is any scheme 20 for the disposal or distribution of property by chancey 21 among persons who have paid or promised to pay any valuable 22 consideration for the chance of obtaining such property or a 23 portion of ity or for any share or interest in such 24 propertyy upon any agreement, understanding, or expectation 25 that it is to be distributed or disposed of by lot or

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1 chance, whether called a lottery, raffler--or gift 2 enterprise, or by whatever name the same may be known." Section 18. Section 94-8-302. R.C.M. 1947. is amended з to read as follows: #94-8-302. Brawings---for---prizes---or--premiums--not 5 6 contempleted-by-acty-when Application. This act part shall 7 not apply to the provisions of 62-715 through 62-726 or to the giving away of cash or merchandise attendance prizes or 8 9 premiums by public drawings at agricultural fairs or rodeo 10 associations in this state, and the county fair 11 commissioners of agricultural fairs or rodeo associations in 12 this state may give away at such fairs cash or merchandise 13 attendance prizes or premiums by public drawings." 14 Section 19. Section 94-8-401, R.C.M. 1947, is amended 15 to read as follows: 16 \*94-8-401. Gambling games prohibited -- penalty --17 } + cense-fees-for-card-tables. Every--person--who--dealsy--or

18 carries-ony-opens-or-causes-to-be-openedy-or-who-conductsy
19 or-causes-to-be--conductedy-operates-or--runsy--either--as

20 principaly--agenty--owner--or-employeey-whether-for-hirey-or

21 noty-any-game--of--montey--dondoy--fan-tany--tany--studhorse

- 22 pokery--crapsy-seven-and-a-halfy-twenty-oney-faroy-roulettey
- 23 pangeni-or-pangeney-hokey-pokeyy-draw-pokery--or--the--game

24 commonty--known--os-round-the-table-pokery-or-any-banking-or

25 percentage-gamey-or-any-game-commonly--known--as--sure-thing

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l	gameyorany-game-of-chance-played-with-cardsy-dice-or-any
2	device-whatsoevery-or-who-runs-or-conducts-or-causestobe
3	<del>fun-or-conductedy-or-keeps-any-slot-machiney-punchboardy-or</del>
4	other-similar-machine-or-devicey-or-permits-the-sametobe
5	runorconductedformoneyychecksycreditsyorany
6	representativeofvaluevoranypropertyorthing
7	whatsoevervorany-person-owning-or-in-charge-of-any-cigar
8	storey-drugstorey-or-other-place-of-businessy-oranyplace
9	w <del>here</del> -d <del>rinksare-soldor-servedy-who-permits-any-of-th</del> e
10	g <del>ames-prohibited-in-this-section-to-be-playedy-inorabout</del>
11	suchcigar-storey-drugstorey-or-other-place-of-businessy-or
12	permits-ony-slot-machiney-punchboardy-or-similardeviceto
13	bekeptthereinvor-any-person-or-persons-who-cond ct-any
14	bucketshop-where-stocks-or-securities-of-ony-kindaresold
15	on-marginsy-and-every-person-who-plays-or-bets-at-or-against
16	saidprohibitedgamesordevicesyexcept-as-hereinafter
17	providedy-is-guilty-of-a-misdemeanor-and-shall-be-punishable
18	by-a-fine-of-not-less-than-onehundreddollars{\$100+00}v
19	normorethan-one-thousand-dollars-{\$1,000+60},-and-may-be
20	imprisoned-for-not-less-than-three-(3)-monthsy-nor-more-than
21	on <del>e-{l}yearyorbybothsuchfineandimpriso</del> nment;
22	{providedyhoweverythatitshallbelawfulfor-cigar
23	storesy-fraternal-organizationsycharitableorganizationsy
24	drugstores-and-other-places-of-businessy-upon-the-payment-of
25	<del>s-license-fee-therefor-to-the-county-treasurer-in-the-sum-of</del>

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1	<del>tendollars-(\$10+00)-annually-per-table-used-or-operated-in</del>
2	<del>such-place-of-businessy-to-maintain-and-keep-for-the-use-an</del> d
3	pleasure-of-their-customers-andpatronsycardtablesand
4	cardswithwhichand-at-which-such-games-as-rummyy-whisty
5	bridgewhistyblackjackyeuchreypinochleypangeneor
6	pangeniyseven-upyheartsyfreeze-outycasinoysoloy
7	c <del>ribb</del> agey-five-hundredy-penie-antey-dominosyhigh-fiveand
8	checkersmaybeplayedforpastimeandamusementby
9	customers-who-are-not-minorsy-andforthemaintenanceof
10	whichacharge-may-be-madev-to-be-paid-by-the-users-by-the
11	purchaseoftradecheckswhichmustberedeemablein
12	merchandiseatthe-going-retail-price-of-such-merchandisev
13	which-is-the-stock-intradeofsuchbusiness;andthat
14	p <del>lacesofbusinessmayy-upon-the</del> -p <del>ayment-of-a-license-fee</del>
15	therefor-to-the-county-treasurer-in-the-sum-oftendollars
16	<del>{\$18+88}-annuallyy</del> -exhibit-for-use-and-sale-to-all-customers
17	notminorsytradestimulatorsysuchaspull-boards-and
18	ticket-boardsy-where-each-board-so-used-returns-to-the-owner
19	or-business-not-to-exceed-thegoingretailpriceofthe
20	goodsdisposedof-and-sold-and-disposed-of-through-the-use
21	<del>of-the-somey-and-which-goods-sold-anddisposedofthrough</del>
22	theuseofthesamemustnotbeother-than-the-goods
23	constituting-the-usual-stock-in-trade-of-the-businessusing
24	the-somes] Except as otherwise provided by laws a person who
25	<u>engagesipgambling_in_any_form_with_cards+_dice+_or_other</u>
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implements or devices of any kind wherein anything valuable 1 is MAY BE wagered upon the outcome or who keeps any 2 establishment, place, equipment, or apparatus for such 3 gambling or any agents or employees for such purpose is 4 guilty of a misdemeanor and is punishable by a fine of not 5 less than \$100 or more than \$1,000 or imprisonment not less 6 than 3 months or more than 1 year or by both such, fine, and 7 8 imorisonment." Section 20. Section 94-8-404, R.C.M. 1947, is amended 9

10 to read as follows:

11 #94-8-404. Possession of oambling implements 12 prohibited. Any person who has in his possession or under his controly or who permits to be placedy maintaineds or 13 14 kept in any room, space, inclosure, or building, owned, leased, or occupied by himy or under his management or 15 controly any faro box, faro layout, roulette wheel, roulette 16 17 table, crap table, slot-machine, PUNCHBOARD, or any machine or apparatus of the kind mentioned in the-preceding--section 18 of-this--acty 94-8-401 is punishable by a fine of not less 19 20 than one-hundred-nor \$100 or more than one-thousand-dollars, 1:000 and way be imprisoned for not less than three 3 21 22 months nor or more than one 1 year in the discretion of the court+, provided, -- however, that this section shall not apply 23 to a public officery or to a person coming into possession 24 thereof in or by reason of the performance of an official 25

1 duty and holding the same to be disposed of according to
2 }awa"

3 Section 21. Section 94-8-411, R.C.N. 1947, is amended 4 to read as follows:

5 "94-8-411. Duty of magistrate to retain gambling implement or apparatus for trial. The magistrate before whom 6 any machine, apparatus, or instrument is brought pursuant to 7 the--preceding--section <u>94-8-410</u> must, if there be is a A q prisoner and if he anall-hold holds such prisoner, cause the 10 machine, apparatus, or instrument to be delivered to the 11 county attorney to be used as evidence on the trial of such 12 prisoner. If there be is no prisonery or if the magistrate 13 does not hold the prisoner, he the magistrate must cause the 14 immediate and public destruction of the machine, apparatus, 15 or instrument in the his own presence of-said-magistrate. No 16 person owning or claiming to own any such machine. 17 apparatus, or instrument so destroyed, shall have has any 18 right of action against any person or against the state, 19 county, or city for the value of such articley or for 20 damages. It sholl-be is the duty of the county attorney to 21 produce such articles in court on the trial of the case. It shall--be is the duty of the trial court, after the 22 23 disposition of the case, and whether the defendant be is convicted, acquitted, or fails to appear for trial, to cause 24 25 the immediate and public destruction of any such article by

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the sheriff or any other officer or person designated by the 1 2 court." 3 Section-22w--Section--94-8-413y-R+E+H+-1947y-is-amended to-read-as-follows+ 4 5 =94-8-413u--Authority--to--break--and--enter--buildings where--games--are--probably--being--played----Every-sheriffv 6 7 constable-and-public peace officery having-probable-cause-to believe-that-any-roomy-tenty-or-apartment-is-being-used-as-a 8 9 roomy-tenty-or-apartment-for-the-playing--or--conducting--of 10 any-of-the-games-mentioned-in-this-acty-shall-have-authority 11 to may break-open-any-doory-or-opening-into-any-such-roomy 12 tenty-or-apartmenty-with-or-without-a-warrant-of-arresty-for 13 the-purpose-of-orresting-the-offenders-against-this-a. \*\*\* 14 Section 22. Section 94-8-422, R.C.H. 1947, is amended to read as follows: 15 16 "94~8-422+ Lessor of buildings used for gambling 17 purposes treated as principal. Whenever premises are 18 occupied for the doing of any of the thingsy or running any 19 of the games prohibited by this act part, the lease or 20 agreement under which they are so occupied shall be absolutely void at the instance of the lessor, who may at 21 22 any time obtain possession by civil actiony or by action of forcible unlawful detainerts and if If any person lease 23 24 leases premises for any such purposey or knowingly permits 25 them to be used or occupied for such purpose or purposesy

or knowing them to be so occupied or used, fails 1 immediately to prosecutey in good faith an action or 2 proceeding for the recovery of the premises, such lessor 3 shall be considered in all cases, civil and criminal, as a 4 5 principal in running the games or doing the things run or done in such building, in violation of this act parts and 6 shall be dealt with and punished accordingly." 7 Section 23. Section 94-8-424, R.C.N. 1947, is amended 8 9 to read as follows: 10 #94-8-424. Ordinances concerning gambling in--conflict 11 with--this--act--void. Upon--the--passage--of-this-acty-all 12 ordinances-and-parts-of-ordinances-of-cities--and--towns--in 13 this--state--regarding-gambling-and-gambling-houses-shall-be

inoperative--and--voidy--end--thereafter--no No ordinance 14 15 regarding gambling or gambling houses shall may be passed by 16 any city, or towns COUNTY, OR OTHER POLITICAL SUBDIVISION OF 17 THE\_STATE except in compliance with 62-701 through 62-736.\* Section 24. Section 94-8-429, R.C.M. 1947, is amended 18 19 to read as follows: \*94-8-429. Slot machine defined. A slot machine is 20 21 hereby defined as a machine operated by inserting a coin, 22 token, chip, or trade check, or paper currency therein by the player and from the play of which he obtains, or may 23 24 obtainy money, checks, chips, or tokens, or paper currency 25 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 ect part..."
 Section 25. Section 94-8-430, R.C.M. 1947, is amended
 to read as follows:

5 #94-8-430. Person or persons defined. In addition to their ordinary meaning, the word "person" or "personsy", as 6 7 used in this act part, shall include includes both natural 8 and artificial persons and all partnerships, corporations, 9 associations, clubs, fraternal orders, and societies, 10 including religious, fraternal and charitable 11 organizations."

## 12 <u>SECTION 26.</u> <u>SECTION 94-8-431: ReC.M. 1947. IS AMENDED</u> 13 <u>ID READ AS FOLLOWS:</u>

14 \*94-8-431. Penalty for possession or permitting use of slot machine. Any person, partnership, club, society, 15 16 fraternal order, corporation, co-operative cooperative 17 association or any other person, individual, or organization who violates any of the provisions of this act  $\mathbf{v}$  or who 18 permits the use of any slot machine, as herein defined, on 19 20 any place or premises owned, occupied, or controlled by him 21 or ity--shall-be is quilty of a misdemeanor and shall-be is 22 punishable by a fine of not less than one--hundred--dollars f\$100+00++--nor or more than five-hundred-dollars-f\$500+00++ 23 \$1.000 or by imprisonment in the county jail for not less 24 25 

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- 1 monthsy lyear or by both such fine and imprisonment."
- 2 Section 27. Repealer. Sections 84-5703 through
- 3 84-5719, 94-8-402, 94-8-403, <u>94-8-413,</u> 94-8-425, 94-8-426,
- 4 and 94-8-427, R.C.M. 1947, are repealed.

-End-