

1 Senate BILL NO. 278

2 INTRODUCED BY Eckhard Water

3 Gonfred Ever John Bostlett

4 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT A CRIMINAL OFFENSE FOR A PERSON TO ALLOW
5 A MINOR TO LOITER IN THE AREA OF A LIVE CARD GAME TABLE OR GAMBLING DEVICE; AND
6 AMENDING SECTION 23-5-158, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 Section 1. Section 23-5-158, MCA, is amended to read:

11 "23-5-158. **Minors not to participate -- penalty -- exception.** (1) Except as provided in subsection
12 (3), a person may not purposely or knowingly allow a person under 18 years of age to participate in a
13 gambling activity or to loiter in the area of a live card game table or gambling device. A person who violates
14 this subsection is guilty of a misdemeanor and ~~must~~ shall be punished in accordance with 23-5-161.

15 (2) Except as provided in subsection (3), a person under 18 years of age may not purposely or
16 knowingly participate in a gambling activity. A person who violates this subsection is subject to a civil
17 penalty not to exceed \$50 if the proceedings for violating this subsection are held in justice's, municipal,
18 or city court. If the proceedings are held in youth court, the offender must be treated as an alleged youth
19 in need of supervision, as defined in 41-5-103. The youth court may enter its judgment under 41-5-523.

20 (3) A person under 18 years of age may sell or buy tickets for or receive prizes from a raffle
21 conducted in compliance with 23-5-413 if proceeds from the raffle, minus administrative expenses and
22 prizes paid, are used to support charitable activities, scholarships or educational grants, or community
23 service projects.

24 (4) Amusement games regulated by Title 23, chapter 6, part 1, may not be placed in the immediate
25 vicinity of a live card game table or gambling device."

26 -END-

STATE OF MONTANA - FISCAL NOTE


Fiscal Note for SB0278, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act making it a criminal offense for a person to allow a minor to loiter in the area of a live card game table or gambling device.

FISCAL IMPACT:

There is no fiscal impact to the state.


DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/10/97
DOROTHY ECK, PRIMARY SPONSOR DATE

Fiscal Note for SB0278, as introduced

SB 278

1 SENATE BILL NO. 278

2 INTRODUCED BY ECK, GRIMES, WATERMAN, GROSFIELD, EWER, HARPER, BARTLETT

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT A CRIMINAL OFFENSE FOR A PERSON TO ALLOW
5 A MINOR TO LOITER IN THE AREA IMMEDIATE VICINITY OF A LIVE CARD GAME TABLE OR GAMBLING
6 DEVICE; ESTABLISHING LIMITATIONS ON THE PLACEMENT OF AMUSEMENT GAMES IN RELATION TO
7 LIVE CARD GAME TABLES AND GAMBLING DEVICES; DEFINING "IMMEDIATE VICINITY"; AND
8 AMENDING SECTION 23-5-158, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 23-5-158, MCA, is amended to read:

13 **"23-5-158. Minors not to participate -- penalty -- exception.** (1) (A) Except as provided in
14 subsection (3), a person may not purposely or knowingly allow a person under 18 years of age to
15 participate in a gambling activity or to loiter in the area IMMEDIATE VICINITY of a live card game table or
16 gambling device. A person who violates this subsection is guilty of a misdemeanor and ~~must~~ shall be
17 punished in accordance with 23-5-161.

18 (B) THE PROPRIETOR OR MANAGER OF AN ESTABLISHMENT IN WHICH GAMBLING ACTIVITY
19 TAKES PLACE SHALL CONSPICUOUSLY POST AND MAINTAIN IN THE IMMEDIATE VICINITY OF ANY
20 GAMBLING ACTIVITY, LIVE CARD GAME TABLE, OR GAMBLING DEVICE EASILY READABLE SIGNS THAT
21 INFORM THE READER THAT MINORS MAY NOT BE IN THE IMMEDIATE VICINITY OF A GAMBLING
22 ACTIVITY, LIVE CARD GAME TABLE, OR GAMBLING DEVICE, WITHIN THE MEANING OF THIS SECTION.

23 (2) Except as provided in subsection (3), a person under 18 years of age may not purposely or
24 knowingly participate in a gambling activity. A person who violates this subsection is subject to a civil
25 penalty not to exceed \$50 if the proceedings for violating this subsection are held in justice's, municipal,
26 or city court. If the proceedings are held in youth court, the offender must be treated as an alleged youth
27 in need of supervision, as defined in 41-5-103. The youth court may enter its judgment under 41-5-523.

28 (3) A person under 18 years of age may sell or buy tickets for or receive prizes from a raffle
29 conducted in compliance with 23-5-413 if proceeds from the raffle, minus administrative expenses and
30 prizes paid, are used to support charitable activities, scholarships or educational grants, or community

1 service projects.

2 (4) Amusement games regulated by Title 23, chapter 6, part 1, may not be placed in the immediate
3 vicinity of a IN SUCH A MANNER THAT THEY ARE INTERSPERSED WITH live card game table TABLES or
4 gambling ~~device~~ DEVICES.

5 (5) FOR PURPOSES OF THIS SECTION, "IMMEDIATE VICINITY" MEANS SUFFICIENTLY CLOSE
6 ENOUGH TO PLAY, CONTROL, OR PARTICIPATE IN THE PLAY OR CONTROL OF A GAMBLING ACTIVITY
7 OR DEVICE."

8 -END-