

SHORT TITLE: Lotteries; exempting student activity fund-raising events; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1113

By: Henry

AS INTRODUCED

An Act relating to lotteries; amending 21 O.S. 1991, Sections 1051, 1052, 1053, 1054, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067 and 1068, which relate to lotteries; exempting student activity fund-raising events; modifying language and reference; providing penalties; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1051, is amended to read as follows:

Section 1051. A lottery is any scheme for the disposal or distribution of property by chance among persons who have paid, or promised, or agreed to pay any valuable consideration for the chance of obtaining such property, or a portion of it, or for any share of or interest in such property, upon any agreement, understanding or expectation that it is to be distributed or disposed of by a lot or chance, whether called a lottery, a raffle, or a gift enterprise, or by whatever name the same may be known. Valuable consideration shall be construed to mean money or goods of actual pecuniary value. Provided, it shall not be a violation of the lottery or gambling laws of this state for ~~(1) a:~~

1. A bona fide resident merchant or merchants of a city or town, acting in conjunction with the Chamber of Commerce or Commercial Club of this state ~~thereof,~~ to issue free of charge numbered tickets on sales of ~~his~~ merchandise, the corresponding stub of one or more of which tickets to be drawn or chosen by lot by a representative or representatives of said Chamber of Commerce or of

said Commercial Club in the manner set forth on said tickets, the numbered stub or stubs so drawn to entitle the holder of the corresponding numbered issued ticket to a valuable prize donated by said merchant; ~~(2) a~~

2. A bona fide community chest welfare fund on a military post or reservation to issue numbered tickets in conjunction with voluntary contributions to said fund, the corresponding stub or stubs of one or more of said tickets to be drawn by lot under the supervision of a military commander, the stub or stubs so drawn entitling the ticket holder to a prize of some value. Provided however, that no person shall sell tickets or receive contributions to said fund off the military reservation; or

3. A bona fide student activity group of a public or private school located within a city or town to issue tickets in conjunction with a voluntary contribution to the student activity fund, the stub or stubs of one or more of said tickets to be drawn by lot under the supervision of the school officials, the stub or stubs so drawn entitling the ticket holder to a prize of some value.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1052, is amended to read as follows:

Section 1052. Every Except as provided in Section 1051 of this title, any lottery is unlawful, and a common public nuisance and the violator shall be punished as provided in this act.

SECTION 3. AMENDATORY 21 O.S. 1991, Section 1053, is amended to read as follows:

Section 1053. Any person who contrives, prepares, sets up, proposes or draws any lottery, is punishable, upon conviction, by a fine equal to double the amount of the whole sum or value for which such lottery was made, and if such amount cannot be reasonably ascertained, then, by imprisonment in the ~~state prison not exceeding~~

~~two (2) years or by imprisonment in a county jail not exceeding one (1) year, or by a fine of Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.~~

SECTION 4. AMENDATORY 21 O.S. 1991, Section 1054, is amended to read as follows:

Section 1054. Any person who sells, gives or in any manner whatever furnishes or transfers to or for any other person, any ticket, chance, share or interest, or any paper, certificate or instrument, purporting or represented or understood to be or represent any ticket, chance, share or interest in or depending upon the event of any lottery, is guilty of a misdemeanor. The violator shall, upon conviction, be punished by imprisonment in the county jail not exceeding one (1) year, or by a fine of Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

SECTION 5. AMENDATORY 21 O.S. 1991, Section 1056, is amended to read as follows:

Section 1056. Any person who, by writing or printing, by circulars or letters, or in any other way advertises or publishes any account of any lottery stating when or where the same is to be or has been drawn, or what are the prizes or any of them therein, or the price of a ticket or of any share or interest or where it may be obtained, or in any way aiding or assisting the same, or adapted to induce persons to adventure therein, is guilty of a misdemeanor. The violator shall, upon conviction, be punished by imprisonment in the county jail not exceeding one (1) year, or by a fine of Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

SECTION 6. AMENDATORY 21 O.S. 1991, Section 1057, is amended to read as follows:

Section 1057. ~~Every~~ Any person who offers for sale, distribution or disposition in any way, any real or personal property, or things in action, or any interest therein, to be determined by lot or chance, that shall be dependent upon the drawing of any lottery within or out of this state, and every person who sells, furnishes or procures, or causes to be sold, furnished or procured in any manner whatsoever, any chance or share, or any interest whatsoever in any property offered for sale, distribution or disposition in violation of this section, or any ticket or other evidence of any chance, share, or interest in such property, is guilty of a misdemeanor. The violator shall, upon conviction, be punished by imprisonment in the county jail not exceeding one (1) year, or by a fine of Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

SECTION 7. AMENDATORY 21 O.S. 1991, Section 1058, is amended to read as follows:

Section 1058. Any person who opens, sets up or keeps, ~~by himself,~~ either alone or by any other person or persons, any office or other place for registering the numbers of any ticket in any lottery or for making, receiving or registering any bets or wagers upon the drawing, determination or result of any lottery, is punishable, upon conviction, by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding ~~One Thousand Dollars (\$1,000.00)~~ Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

SECTION 8. AMENDATORY 21 O.S. 1991, Section 1059, is amended to read as follows:

Section 1059. Any person who, by writing or printing by circulars or letters, or in any other way, advertises or publishes any account of the opening, setting up or keeping of any office or

other place for either of the purposes prohibited by ~~the last section,~~ Section 1058 of this title is guilty of a misdemeanor. The violator shall, upon conviction, be punished by imprisonment in the county jail not exceeding one (1) year, or by a fine of Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

SECTION 9. AMENDATORY 21 O.S. 1991, Section 1060, is amended to read as follows:

Section 1060. Any person who insures or receives any consideration for insuring for or against the drawing of any ticket, share, or interest in any lottery, or for or against the drawing of any number, or ticket, or number of any ticket in any lottery; and every person who receives any valuable consideration upon any agreement to pay any sum, or to deliver any property or thing in action in the event that any ticket, share, or interest in any lottery, or any number, or ticket, or number of any ticket in any lottery shall prove fortunate or unfortunate, or shall be drawn or not drawn on any particular day or in any particular order; and every person who promises, agrees, or offers to pay any sum of money or to deliver any property or thing in action, or to do, or forbear to do anything for the benefit of any other person, with or without consideration, upon any event whatever connected with any lottery, is guilty of a misdemeanor. The violator shall, upon conviction, be punished by imprisonment in the county jail not exceeding one (1) year, or by a fine of Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

SECTION 10. AMENDATORY 21 O.S. 1991, Section 1061, is amended to read as follows:

Section 1061. Any person who, by writing or printing, by circulars or letters, or in any other way, advertises or publishes

any offer, notice or proposal for any violation of ~~the last section,~~
Section 1060 of this title is guilty of a misdemeanor. The violator
shall, upon conviction, be punished by imprisonment in the county
jail not exceeding one (1) year, or by a fine of Two Thousand Five
Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

SECTION 11. AMENDATORY 21 O.S. 1991, Section 1062, is amended to read as follows:

Section 1062. All property offered for sale, distribution, or disposition, in violation of the provisions of ~~this article,~~
Sections 1051 through 1065 of this title is forfeited to the people of this state, as well before as after the determination of the chance on which the same was dependent. And it is the duty of the respective district attorneys, to demand, sue for, and recover, in behalf of this state, all property so forfeited, and to cause the same to be sold when recovered, and to pay the proceeds of the sale of such property, and any monies that may be collected in any such suit, into the county treasury for the benefit of ~~common~~ public schools.

SECTION 12. AMENDATORY 21 O.S. 1991, Section 1063, is amended to read as follows:

Section 1063. Any person who lets or permits to be used any building or portion of any building, knowing that it is intended to be used for any of the purposes declared punishable by ~~this article,~~
Sections 1051 through 1065 of this title is guilty of a misdemeanor. The violator shall, upon conviction, be punished by imprisonment in
the county jail not exceeding one (1) year, or by a fine of Two
Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and
imprisonment.

SECTION 13. AMENDATORY 21 O.S. 1991, Section 1064, is amended to read as follows:

Section 1064. The provisions of ~~this article~~ Sections 1051 through 1065 of this title apply in respect to lotteries drawn or to be drawn out of this state, whether authorized or not by the laws of the state where they are drawn or to be drawn, in the same manner as to lotteries drawn or to be drawn within this state.

SECTION 14. AMENDATORY 21 O.S. 1991, Section 1065, is amended to read as follows:

Section 1065. The provisions of Sections ~~2475~~ 1056 and ~~2478~~ 1059 of this title are applicable wherever the advertisement was published, or the letter or circular sent or delivered through or in this state, notwithstanding the person causing or procuring the same to be published, sent or delivered, was out of this state at the time of so doing.

SECTION 15. AMENDATORY 21 O.S. 1991, Section 1066, is amended to read as follows:

Section 1066. ~~Every~~ Any person who sets up, promotes or engages in any plan by which goods or anything of value is sold to a person, firm or corporation for a consideration and upon the further consideration that the purchaser agrees to secure one ~~(1)~~ or more persons to participate in the plan by respectively making a similar purchase or purchases and in turn agreeing to secure one ~~(1)~~ or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining in the plan, shall be held to have set up and promoted a lottery and shall be punished as provided in Section ~~3~~ 1068 of this ~~act~~ title.

SECTION 16. AMENDATORY 21 O.S. 1991, Section 1067, is amended to read as follows:

Section 1067. The district court of the judicial district in which any such plan is proposed, operated or promoted as described

in Section 1066 of this title may issue an injunction without bond, upon petition filed by the Attorney General, the district attorney of the county in which such plan is proposed, operated or promoted, or other interested individual, to enjoin the further operation of any such plan.

SECTION 17. AMENDATORY 21 O.S. 1991, Section 1068, is amended to read as follows:

Section 1068. Any person violating the provisions of ~~this act~~ Section 1066 or 1067 of this title shall, upon conviction ~~thereof,~~ be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment for a term not exceeding two (2) years in the State Penitentiary, or by both such fine and imprisonment.

SECTION 18. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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