ENGROSSED HOUSE
BILL NO. 1044

By: Claunch of the House

and

Campbell of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 981, as amended by Section 31, Chapter 328, O.S.L. 1992 (21 O.S. Supp. 1996, Section 981), which relates to gambling and commercial gambling activities; modifying definitions; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 981, as amended by Section 31, Chapter 328, O.S.L. 1992 (21 O.S. Supp. 1996, Section 981), is amended to read as follows:

Section 981. As used in this act:

1. A "bet" is a bargain in which the parties agree that, dependent upon chance, or in which one of the parties to the transaction has valid reason to believe that it is dependent upon chance, one stands to win or lose something of value specified in the agreement. <u>A bet also is a transaction in which a participant is required or encouraged to purchase a good or service of inconsequential value in order to obtain a gift or prize.</u> A bet does not include:

a. bona fide business transactions which are valid under the law of contracts including, but not limited to,

contracts for the purchase or sale at a future date of securities or other commodities and agreements to compensation for loss caused by the happening of the chance including, but not limited to, contracts of indemnity or guaranty and life or health and accident insurance~~; or~~,

b. any charity game conducted pursuant to the provisions of the Oklahoma Charity Games Act~~;~~, or

c. offers of purses, prizes or premiums to the actual participants in public and semipublic events, as follows, to wit: Rodeos, animal shows, expositions, fairs, athletic events, tournaments and other shows and contests where the participants qualify for a monetary prize or other recognition. This subparagraph further excepts an entry fee from the definition of "a bet" as applied to enumerated public and semipublic events~~.~~;

2. "Consideration" as used in this section means anything which is a commercial or financial advantage to the promoter or a disadvantage to any participant. Mere registration without purchase of goods or services; personal attendance at places or events, without payment of an admission price or fee; listening to or watching radio and television programs; answering the telephone or making a telephone call and acts of like nature are not consideration. In any case, there must be notice given to all participants by the promoter or employee or agent of the promoter, at the point of the transaction, that payments or purchases are not required for participation in the transaction. As used in this paragraph, the term "consideration" shall not include sums of money paid by or for participants in any bingo game or a game of chance with comparable characteristics as defined by subparagraph b of paragraph 1 of this section and it shall be conclusively presumed

that such sums paid by or for said participants were intended by said participants to be for the benefit of the organizations described in subparagraph b of paragraph 1 of this section for the use of such organizations in furthering the purposes of such organizations;

3. A "gambling device" is a contrivance designed primarily for gambling purposes which for a consideration affords the player an opportunity to obtain something of value, the award of which is determined by chance, or any token, chip, paper, receipt or other document which evidences, purports to evidence or is designed to evidence participation in a lottery or the making of a bet. The fact that the prize is not automatically paid by the device does not affect its character as a gambling device; and

4. A "gambling place" is any place, room, building, vehicle, tent or location which is used for any of the following: making and settling bets; receiving, holding, recording or forwarding bets or offers to bet; conducting lotteries; or playing gambling devices. Evidence that the place has a general reputation as a gambling place or that, at or about the time in question, it was frequently visited by persons known to be commercial gamblers or known as frequenters of gambling places is admissible on the issue of whether it is a gambling place.

SECTION 2. This act shall become effective November 1, 1997.

Passed the House of Representatives the 10th day of March, 1997.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1997.

President of the Senate