

3 Senate Bill No. 812

4 SENATE BILL NO. 812 - By: SHURDEN of the Senate and LEIST of the
5 House.

6 An Act relating to crimes and punishments; amending 21 O.S.
7 1991, Section 981, as amended by Section 31, Chapter 328,
8 O.S.L. 1992 (21 O.S. Supp. 1999, Section 981), which relates
9 to gambling definitions; expanding certain definition; and
10 declaring an emergency.

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

12 SECTION 1. AMENDATORY 21 O.S. 1991, Section 981, as
13 amended by Section 31, Chapter 328, O.S.L. 1992 (21 O.S. Supp. 1999,
14 Section 981), is amended to read as follows:

15 Section 981. As used in Section 981 et seq. of this act title:

16 1. A "bet" is a bargain in which the parties agree that,
17 dependent upon chance, or in which one of the parties to the
18 transaction has valid reason to believe that it is dependent upon
19 chance, one stands to win or lose something of value specified in
20 the agreement. A bet does not include:

- 21 a. bona fide business transactions which are valid under
22 the law of contracts including, but not limited to,
23 contracts for the purchase or sale at a future date of
24 securities or other commodities and agreements to
25 compensation for loss caused by the happening of the
26 chance including, but not limited to, contracts of

1 indemnity or guaranty and life or health and accident
2 insurance; or
3 b. any charity game conducted pursuant to the provisions
4 of the Oklahoma Charity Games Act; or
5 c. offers of purses, prizes or premiums to the actual
6 participants in public and semipublic events, as
7 follows, to wit: Rodeos, animal shows, hunting,
8 fishing or shooting competitions, expositions, fairs,
9 athletic events, tournaments and other shows and
10 contests where the participants qualify for a monetary
11 prize or other recognition. This subparagraph further
12 excepts an entry fee from the definition of "a bet" as
13 applied to enumerated public and semipublic events.

14 2. "Consideration" as used in this section means anything which
15 is a commercial or financial advantage to the promoter or a
16 disadvantage to any participant. Mere registration without purchase
17 of goods or services; personal attendance at places or events,
18 without payment of an admission price or fee; listening to or
19 watching radio and television programs; answering the telephone or
20 making a telephone call and acts of like nature are not
21 consideration. As used in this paragraph, the term "consideration"
22 shall not include sums of money paid by or for participants in any
23 hunting, fishing or shooting competition or any bingo game or a game

1 of chance with comparable characteristics as defined by subparagraph
2 b of paragraph 1 of this section and it shall be conclusively
3 presumed that such sums paid by or for said participants were
4 intended by said participants to be for the benefit and use of the
5 organizations ~~described in subparagraph b of paragraph 1 of this~~
6 ~~section for the use of such organizations~~ in furthering the purposes
7 of such organizations;

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

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

1 of gambling places is admissible on the issue of whether it is a
2 gambling place.

3 SECTION 2. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-15-00 - DO
8 PASS.