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AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 1051, which relates to lotteries; providing that certain activities of churches, schools and affiliated entities, and certain organizations not be deemed violation of lottery or gambling laws of this state; defining term; 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 or her 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 qualified organization to raise funds by issuing numbered tickets in conjunction with voluntary contributions to the qualified organization, the corresponding stub or stubs of one or more of said tickets to be drawn by lot under the supervision of an official of the qualified organization, the stub or stubs so drawn entitling the ticket holder to a prize of not more than Two Thousand Five Hundred Dollars ($2,500.00). As used in this paragraph, "qualified organization" means:

a. a church,

b. a public or private school accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs,

c. a student group or organization affiliated with a public or private school pursuant to subparagraph b of this paragraph,

d. a parent-teacher association or organization affiliated with a public or private school pursuant to subparagraph b of this paragraph, or

e. a religious, charitable, labor, fraternal, educational or other type of entity included within the definition

of "organization" as such term is defined in paragraph 20 of Section 402 of Title 3A of the Oklahoma Statutes.

SECTION 2. 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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