ENROLLED SENATE
BILL NO. 837

By: Shurden, Stipe and Crutchfield of the Senate

and

Armes, Adair, Braddock, Hilliard, Kirby and Dorman of the House

An Act relating to crimes and punishments; amending 21 O.S. 2001, 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; removing the force and effect of law from certain provisions under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1051, is amended to read as follows:

Section 1051. A. 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. 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 the 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. As used in this paragraph, "qualified organization" means:

(1) a church,

(2) 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,

(3) a student group or organization affiliated with a public or private school qualified pursuant to division (2) of this subparagraph,

(4) a parent-teacher association or organization affiliated with a public or private school qualified pursuant to division (2) of this subparagraph,

(5) fire departments, police departments, livestock organizations and wildlife organizations, or

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

b. Any raffle conducted by a qualified organization shall be conducted by members of the qualified organization without compensation to any member. The organization shall not hire or contract with any person or business association, corporation, partnership, limited partnership or limited liability company to conduct a raffle, to sell raffle tickets or to solicit contributions in connection with a raffle on behalf of the organization.

B. If the Oklahoma Education Lottery Act ceases to have the force and effect of law pursuant to Section 36 of the Oklahoma Education Lottery Act, the provisions of paragraph 3 of subsection A of this section shall cease to have the force and effect of law.

SECTION 2. This act shall become effective only if Enrolled House Bill No. 1278 of the 1st Session of the 49th Oklahoma Legislature is approved by the people of this state.

Passed the Senate the 30th day of April, 2003.

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Presiding Officer of the Senate

Passed the House of Representatives the 24th day of April, 2003.

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Presiding Officer of the House
of Representatives