

SB 837

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THE STATE SENATE
Thursday, February 13, 2003

Senate Bill No. 837
As Amended

SENATE BILL NO. 837 - By: SHURDEN of the Senate and ARMES of the House.

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. 2001, 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 1. A bona fide resident merchant or merchants of a city or
2 town, acting in conjunction with the Chamber of Commerce or
3 Commercial Club of this state thereof, to issue free of charge
4 numbered tickets on sales of ~~his~~ merchandise, the corresponding stub
5 of one or more of which tickets to be drawn or chosen by lot by a
6 representative or representatives of said Chamber of Commerce or of
7 said Commercial Club in the manner set forth on said tickets, the
8 numbered stub or stubs so drawn to entitle the holder of the
9 corresponding numbered issued ticket to a valuable prize donated by
10 said merchant; ~~(2)~~a

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

19 3. A qualified organization to raise funds by issuing numbered
20 tickets in conjunction with voluntary contributions to the qualified
21 organization, the corresponding stub or stubs of one or more of the
22 tickets to be drawn by lot under the supervision of an official of
23 the qualified organization, the stub or stubs so drawn entitling the

1 ticket holder to a prize with a fair market value of not more than
2 Two Thousand Five Hundred Dollars (\$2,500.00). As used in this
3 paragraph, "qualified organization" means:

4 a. a church,

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

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

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

15 **e. fire departments, police departments, livestock**
16 **organizations and wildlife organizations, or**

17 **f. an "organization" as such term is defined in paragraph**
18 **20 of Section 402 of Title 3A of the Oklahoma**
19 **Statutes.**

20 Any raffle conducted by a qualified organization shall be conducted
21 by members of the qualified organization without compensation to any
22 member. The organization shall not hire or contract with any person
23 or business association, corporation, partnership, limited

1 partnership or limited liability company to conduct a raffle, to
2 sell raffle tickets or to solicit contributions in connection with a
3 raffle on behalf of the organization.

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

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-11-03 - DO
9 PASS, As Amended and Coauthored.