

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3730

By: Phillips

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1051, as amended by Section 2, Chapter 123, O.S.L. 2018 (21 O.S. Supp. 2019, Section 1051), which relates to lotteries; providing exception for certain political parties; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1051, as amended by Section 2, Chapter 123, O.S.L. 2018 (21 O.S. Supp. 2019, 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.

1 Provided, it shall not be a violation of the lottery or gambling
2 laws of this state for:

3 1. The Oklahoma Lottery Commission to conduct a lottery
4 pursuant to the provisions of the Oklahoma Education Lottery Act;

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

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

23 4. a. A qualified organization to raise funds by issuing
24 numbered tickets in conjunction with voluntary

1 contributions to the qualified organization, the
2 corresponding stub or stubs of one or more of the
3 tickets to be drawn by lot under the supervision of an
4 official of the qualified organization, the stub or
5 stubs so drawn entitling the ticket holder to a prize.
6 As used in this paragraph, "qualified organization"
7 means:

- 8 (1) a church,
- 9 (2) a public or private school accredited by the
10 State Department of Education or registered by
11 the State Board of Education for purposes of
12 participating in federal programs,
- 13 (3) a student group or organization affiliated with a
14 public or private school qualified pursuant to
15 division (2) of this subparagraph,
- 16 (4) a parent-teacher association or organization
17 affiliated with a public or private school
18 qualified pursuant to division (2) of this
19 subparagraph,
- 20 (5) fire departments,
- 21 (6) police departments,
- 22 (7) organizations that are exempt from taxation
23 pursuant to the provisions of subsection (c) of
24 Section 501 of the United States Internal Revenue

1 Code, as amended, 26 U.S.C., Section 501(c) et
2 seq., ~~or~~

3 (8) an "organization" as such term is defined in
4 paragraph 20 of Section 402 of Title 3A of the
5 Oklahoma Statutes, or

6 (9) a political party recognized by the State
7 Election Board pursuant to Section 1-108 of Title
8 26 of the Oklahoma Statutes.

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

18 5. The Oklahoma Department of Wildlife Conservation to conduct
19 controlled, draw, lottery or raffle hunts.

20 B. If the Oklahoma Education Lottery Act ceases to have the
21 force and effect of law pursuant to Section 735 of Title 3A of the
22 Oklahoma Statutes, the provisions of paragraph 3 of subsection A of
23 this section shall cease to have the force and effect of law.
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SECTION 2. This act shall become effective November 1, 2020.

57-2-9929 LRB 01/15/20