

**HOUSE BILL NO. 1179**

Introduced by

Representatives Rick C. Becker, Beadle, Dockter, Kading, B. Koppelman, Louser

Senators Poolman, Unruh

1 A BILL for an Act to amend and reenact section 12.1-28-02 of the North Dakota Century Code,  
2 relating to gambling offenses.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 12.1-28-02 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **12.1-28-02. Gambling - Related offenses - Classification of offenses.**

7 Except as permitted by law:

- 8 1. It is an infraction to engage in gambling on private premises where the total amount  
9 wagered by an individual player exceeds twenty-five dollars per individual hand, game,  
10 or event. For purposes of this subsection, if an event consists of more than one hand  
11 or game, the limitation on the amount wagered applies to the hand or game, not the  
12 event.
- 13 2. It is a class A misdemeanor to:
- 14 a. Sell, purchase, receive, or transfer a chance to participate in a lottery, whether  
15 the lottery is drawn in state or out of state, and whether the lottery is lawful in the  
16 other state or country;
- 17 b. Disseminate information about a lottery with intent to encourage participation in it,  
18 except that a legal lottery may be advertised in North Dakota; or
- 19 c. Engage in gambling on private premises where the total amount wagered by an  
20 individual player exceeds five hundred dollars per individual hand, game, or  
21 event.
- 22 3. A person is guilty of a class C felony if that person engages or participates in the  
23 business of gambling. Without limitation, a person is deemed to be engaged in the  
24 business of gambling if that person:

- 1           a. Conducts a wagering pool or lottery in which a person's bet or buy-in exceeds  
2           twenty-five dollars;
- 3           b. Receives individual wagers in excess of twenty-five dollars for or on behalf of  
4           another person;
- 5           c. Alone or with others, owns, controls, manages, or finances a gambling business;
- 6           d. Knowingly leases or otherwise permits a place to be regularly used to carry on a  
7           gambling business or maintain a gambling house;
- 8           e. Maintains for use on any place or premises occupied by that person a  
9           coin-operated gaming device; or
- 10          f. Is a public servant who shares in the proceeds of a gambling business whether  
11          by way of a bribe or otherwise.
- 12          4. a. As used in subsection 3 but with the exceptions provided by subdivision b of this  
13          subsection, the term "coin-operated gaming device" means any machine that is:
- 14               (1) A so-called "slot" machine that operates by means of the insertion of a coin,  
15               token, or similar object and which, by application of the element of chance,  
16               may deliver, or entitle the person playing or operating the machine to  
17               receive cash, premiums, merchandise, or tokens; or
- 18               (2) A machine that is similar to machines described in paragraph 1 and is  
19               operated without the insertion of a coin, token, or similar object.
- 20          b. The term "coin-operated gaming device" does not include a bona fide vending or  
21          amusement machine in which gambling features are not incorporated as defined  
22          in section 53-04-01, or an antique "slot" machine twenty-five years old or older  
23          that is collected and possessed by a person as a hobby and is not maintained for  
24          the business of gambling.
- 25          c. A law enforcement officer may seize any device described in subdivision a upon  
26          probable cause to believe that the device was used or is intended to be used in  
27          violation of this chapter or chapter 53-06.1. The court shall order the device  
28          forfeited in the same manner and according to the same procedure as provided  
29          under chapter 29-31.1.