Sixty-eighth Legislative Assembly of North Dakota

Introduced by

Representatives M. Ruby, Grueneich, Schauer
Senators Cleary, Meyer, Vedaa

A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to poker run requirements; and to amend and reenact section 12.1-28-02 and subsection 2 of section 53-06.1-10.2 of the North Dakota Century Code, relating to exceptions from gaming offenses; and provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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


1. Except as permitted by law:

4. a. It is an infraction to engage in gambling on private premises where the total amount wagered by an individual player exceeds twenty-five dollars per individual hand, game, or event.

2. b. It is a class A misdemeanor to:

a. 1 Sell, purchase, receive, or transfer a chance to participate in a lottery, whether the lottery is drawn in state or out of state, and whether the lottery is lawful in the other state or country;

b. 2 Disseminate information about a lottery with intent to encourage participation in it, except that a legal lottery may be advertised in North Dakota; or

c. 3 Engage in gambling on private premises where the total amount wagered by an individual player exceeds five hundred dollars per individual hand, game, or event.
A person is guilty of a class C felony if that person engages or participates in the business of gambling. Without limitation, a person is deemed to be engaged in the business of gambling if that person:

- (1) Conducts a wagering pool or lottery;
- (2) Receives wagers for or on behalf of another person;
- (3) Alone or with others, owns, controls, manages, or finances a gambling business;
- (4) Knowingly leases or otherwise permits a place to be regularly used to carry on a gambling business or maintain a gambling house;
- (5) Maintains for use on any place or premises occupied by that person a coin-operated gaming device; or
- (6) Is a public servant who shares in the proceeds of a gambling business whether by way of a bribe or otherwise.

As used in subsection 3 subdivision c but with the exceptions provided by subdivision b paragraph 2 of this subsection subdivision, the term "coin-operated gaming device" means any machine that is:

- (a) A so-called "slot" machine that operates by means of the insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive cash, premiums, merchandise, or tokens; or
- (b) A machine that is similar to machines described in paragraph 1 subparagraph a and is operated without the insertion of a coin, token, or similar object.

The term "coin-operated gaming device" does not include a bona fide vending or amusement machine in which gambling features are not incorporated as defined in section 53-04-01, or an antique "slot" machine twenty-five years old or older that is collected and possessed by a person as a hobby and is not maintained for the business of gambling.

A law enforcement officer may seize any device described in subdivision a paragraph 1 upon probable cause to believe that the device was used or is intended to be used in violation of this chapter or chapter 53-06.1. The court
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shall order the device forfeited in the same manner and according to the
same procedure as provided under chapter 29-31.1.

2. The offenses under this section do not apply to a person who aids, organizes, or
participates in a ride to conduct a poker run.

SECTION 2. AMENDMENT. Subsection 2 of section 53-06.1-10.2 of the North Dakota
Century Code is amended and reenacted as follows:

2. An electronic quick shot bingo marking device under subsection 1 is not a
"coin-operated gaming device" as defined in subsection 4 of section 12.1-28-02.

SECTION 3. A new section to chapter 53-06.1 of the North Dakota Century Code is created
and enacted as follows:

Ride - Poker run - Exception.

The requirements under this chapter, including the requirement to apply for a local permit or
restricted event permit, do not apply to a person that aids, organizes, engages, or participates in
a ride to conduct a poker run.