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Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1152

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 ~~motorcycle ride~~ poker run ~~and dice roll~~ 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:

12.1-28-02. Gambling - Related offenses - Classification of offenses - Exception.

1. Except as permitted by law:

~~1.~~ 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.

~~3.~~ c. 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:

~~a.~~ (1) Conducts a wagering pool or lottery;

~~b.~~ (2) Receives wagers for or on behalf of another person;

~~c.~~ (3) Alone or with others, owns, controls, manages, or finances a gambling business;

~~d.~~ (4) Knowingly leases or otherwise permits a place to be regularly used to carry on a gambling business or maintain a gambling house;

~~e.~~ (5) Maintains for use on any place or premises occupied by that person a coin-operated gaming device; or

~~f.~~ (6) Is a public servant who shares in the proceeds of a gambling business whether by way of a bribe or otherwise.

~~4.~~ ~~a.~~d. (1) 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:

~~(1)~~ (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

~~(2)~~ (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.

~~b.~~ (2) 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.

~~c.~~ (3) 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

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 ~~motorcycle~~ ride to conduct a poker run ~~or dice roll~~.

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:

~~Motorcycle ride~~Ride - Poker run - ~~Dice roll -~~ 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 ~~motorcycle~~ ride to conduct a poker run ~~or dice roll~~.