

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1152

Introduced by

Representatives M. Ruby, Grueneich, Schauer

Senators Cleary, Meyer, Vedaa

1 A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota
2 Century Code, relating to poker run requirements; and to amend and reenact section
3 12.1-28-02 and subsection 2 of section 53-06.1-10.2 of the North Dakota Century Code, relating
4 to exceptions from gaming offenses; and provide a penalty.

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

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

8 **12.1-28-02. Gambling - Related offenses - Classification of offenses - Exception.**

9 1. Except as permitted by law:

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

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

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

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

20 e. (3) Engage in gambling on private premises where the total amount wagered by
21 an individual player exceeds five hundred dollars per individual hand, game,
22 or event.

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

1 shall order the device forfeited in the same manner and according to the
2 same procedure as provided under chapter 29-31.1.

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

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

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

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

11 **Ride - Poker run - Exception.**

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