



# Gambling in California and Multi-State Gambling Law Survey

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## Introduction

This paper addresses the issues that, given the trends in California gambling growth, are ripe for the state legislature. The discussion includes existing expansion of cardroom gambling, as well as the turmoil surrounding the growth of and disputes over Indian tribal casino operations. The discussion also introduces new forms of gambling, yet to be regulated.

The second part of this paper is a comprehensive survey of gambling law in the United States. The survey compiles in table format how each state handles a variety of gaming matters, such as card clubs, bingo, and "Nevada-style" gaming. The authors have also attempted to note those provisions of state law that are noteworthy or unique.

## Growth in Gambling

Legalized gambling has become a \$300 billion a year industry. [1] The last two decades evidenced growth from new gambling options, such as off-track betting, river boat gambling, and state lotteries. Most states permit legal state lotteries and racetracks, accepting wagers on horse races, dog races, and jai alai. In addition, the majority of states have decriminalized social, low-stakes gambling, though mostly in practice, not in law. [2] Currently, only the states of Utah and Hawaii do not permit some form of legalized gambling. [3] Additional legalization proposals to expand legitimate gaming have inundated all of the other states. Trade publications such as Casino Gaming and International Gaming & Wagering Business report when new forms of gambling become legal, but they are unable to keep track of the numerous bills proposed to state legislatures, nationwide. [4] The most prevalent growth in the gaming industry reflects the expansion of state lotteries, cardrooms, and Indian tribal gambling. [5]

### Trends in Gross Wagering in the United States (In Billions): <sup>6</sup>

Wagering	Gross Wagering 1982	Gross Wagering 1992	Percent Increase
Pari-Mutuels	\$ 14.529	\$ 17.841	22.8%
Bingo	\$ 3.000	\$ 4.306	43.5%

Casinos	\$ 101.400	\$ 252.893	149.4%
Charitable Games	\$ 1.200	\$ 4.775	297.9%
Lotteries	\$ 4.088	\$ 24.362	495.9%
Card Rooms	\$ 1.000	\$ 8.428	742.8%
Indian Gaming	-----	\$ 15.174	N/A
TOTAL	\$ 125.755	\$ 399.889	162.3%

As the third largest state with respect to gross wagering, [7] California's gaming activities comprise a large impact on the above national statistics. Only Nevada and New Jersey, with their comparatively permissive (though regulated) gambling out-wager California. While California's position may seem high, this estimate does not even include revenues from Indian tribal casino operations in the state.

### California Trends in Gross Wagering (In Billions): 8

Wagering	Gross Wagering 1992
Pari-Mutuels	\$ 2.660
Bingo	\$ .330
Charitable Games	\$ .535
Lotteries	\$ 1.496
Card Rooms	\$ 7.500
Indian Gaming	N/A
Total	\$ 12.523

As casino-style gaming is prohibited in California, future growth potential is limited primarily to card rooms and Indian reservations. The other forms of legitimate gaming in the state (as listed above) have shown negligible changes in growth of revenues. For example, California's state lottery remains sixth in the nation in terms of gross ticket sales. The California State Lottery remains one of the largest, if not the largest, purchaser of radio advertising in Los Angeles, [9] however, the sales are comparatively less than when the lottery was introduced in 1985-86. [10] Also, California's revenues as the second largest pari-mutuel betting state (New York being the largest) reflect a national recession in wagering in the horse racing industry. Since 1989, revenue for pari-mutuel betting in California horse racing has only grown by less than one percent. [11] With respect to bingo gaming, the California Attorney General's Registry of Charitable Trusts reported a trend of consolidation in 1993. [12] Although gross revenues for bingo operations increased, the number of organizations reporting to the Registry of Charitable Trusts decreased by over 20% to 333 charities. These statistics indicate that bingo is not growing so much as an industry, but consolidating into big businesses.

Accompanied with the growth of cardroom gaming and Indian tribal casinos is the need for regulation. The California Horse Racing Board staffs fifty-eight employees and twenty-five investigators to regulate nearly three billion dollars in gross annual wagering. The State Lottery Commission retains 800 employees and thirty agents to oversee \$1.79 billion in gross ticket sales. Cardroom revenues, accumulating seven and one-half billion dollars annually, overshadow these two forms of gambling put together. Shockingly, only three permanent positions in the California Department of Justice are delegated to the Gaming Registration Unit. [13] These three employees in the state Attorney General's office conduct background checks for applicants attempting to build or expand cardroom operations in the state. Other regulation of operating activities and enforcement of cardrooms is left to local authorities. [14] And, no state regulatory agency oversees Indian gaming in the state. [15]

## Current Issues in California Gambling

### I. Cardrooms

If left unchecked, cardroom growth is expected to quadruple the number of tables in California over the next few years, from 1774 to 5429. [16] The latest statistics estimate the existing cardroom industry to be a \$8.4 billion business. [17] Part of the increase in revenues is attributed to the introduction of Asian card games. Beginning in 1985, cardrooms introduced high-stakes, Asian games, such as Pai Gow and Super Pan. [18] These games are played rapidly, allowing cardrooms increased revenue production, with more hands played in a time period, compared to conventional poker.

Lax regulation in the cardroom industry has created a "vacuum," as described by Attorney General Dan Lungren, ripe to attract criminal activity. [19] For example, Los Angeles Sheriff's Department recently uncovered evidence from Bell Gardens Bicycle Club's security cameras, recording a \$60,000 money-laundering transaction. [20] Last year, the club's manager of Asian card games was indicted for federal loan-sharking and racketeering offenses. Also, many card clubs contribute a large share of revenue to local municipalities. This fiscal influence translates to political clout as well, as the clubs wield influence over local politicians and law enforcement authorities. [21]

The concerns over crime and corruption have provided the impetus for legislative reform to bolster regulation. However, for over three years of efforts in the California legislature, internal politics have nipped the bud of reform. The latest attempt at regulation, Assembly Bill 11, sponsored by Assemblyman Phil Isenberg, would have repealed the (current) Gaming Registration Act in favor of the Gambling Control Act. [22] The bill called for the creation of a new California Gaming Control Commission. The five-member commission would be chartered to limit any perceived opportunity of organized criminal activities associated with cardroom gaming. The commission's duties would chiefly include approval, denial, and revocation of gaming licenses. However, this Nevada-style commission would have expanded duties, beyond screening applications for cardrooms, which only entails background checks and financial reviews of operators. The legislative measure would have also granted the commission authority to monitor gaming operations, look into complaints and violations, conduct audits, and seize gambling assets when necessary. [23] The bill also imposed a per table fee of up to \$4,200 and an annual licensing fee of \$3,700. The bill, however, failed to clear the California Senate Committee on Rules as of September 6, 1995.

The contest over this years gambling reform legislation centered around numerous financial interests and public policy concerns. Some believed the proposed regulatory body would open the door to expand gambling operations in California. Others feared regulation may be used to keep expansion out of the state. Still, other critics, such as Senate leader Bill Lockyer (D-Hayward) viewed the proposal, backed by Dan Lungren, as a new, "empire building," tax scheme to increase the attorney general's authority in office. [24]

Several business interests have monitored and lobbied on the issue of cardroom gaming reform. Over the past four years, the gambling industry spent over \$5 million in campaign contributions and lobbying efforts. [25] This is not surprising considering the amount of revenue cardroom wagering generates. One of the interest groups, wary of regulatory reform similar to the Gambling Control Act, are the established card clubs. Their primary concern is fear of competition, especially from new, larger facilities. Isenberg and Lungren's regulatory schemes over the last four years give the green light to allow publicly-traded corporations own and operate cardrooms. [26] Currently, out-of-state corporations may not own stock in California card clubs. With the exception of existing pari-mutuel tracks, only individuals, not corporations, may possess card club licenses. [27] Large entities such as Bally's, Las Vegas Hilton and Caesar's have sought access to California cardroom ownership, as out-of-state ownership is permitted in Nevada. Another concern of existing cardroom owners is the inclusion of radius limitations. Radius limitations would prohibit new card clubs form being built within a specified radius of existing clubs. [28]

The horse racing industry is another strong lobby interested in the scope of cardroom gaming reform. Under current law, all California pari-mutuel race track facilities are permitted to hold a card club operator's license for card clubs located at their track property, at least until January 1, 1999; [29]the state law permits existing pari-mutuel race tracks to pursue new cardroom licenses subject to local authorization. Tracks with existing clubs advocate measures to protect their entrenched enterprises. Others involved with horse racing fear that regulation may open or close the door to future "full-blown" casino gambling. [30] In anticipation of gambling expansion, the new Hollywood Park facility constructed and wired its card club to include the capacity for electronic gaming devices, such as video poker and slot machines. Yet, other tracks without cardroom licenses believe the threat of casino gambling will usher in their financial demise.

A third interested group are out-of-state gambling enterprises who want to limit California gambling. Large companies with casino investments in Las Vegas, Reno, and Lake Tahoe do not want expanded gaming operations in California, rather, these casino operators want Californians to continue to travel to Nevada with their gambling dollars. [31] For these companies, regulatory legislation can check undesirable legitimization of gaming devices, such as slot machines and video poker. Other concerns for large, out-of-state casino operators have been to allow investment into the California market, to build new clubs or buy into existing establishments.

A fourth group of interested players is the Indian gaming establishment. Indian gaming would not be directly affected by cardroom legislation, as tribes are federally regulated [32], though expansion of card clubs would create competition for existing Indian tribe casinos. As Indian casinos are located on tribal lands, mostly outside of metropolitan areas, urban cardrooms would seemingly infringe on the Indian casinos revenue. Many

tribes, however, support state regulation of cardrooms.

## II. Indian Gaming <sup>33</sup>

### A. Legal Framework

Of the \$15.174 billion dollars wagered nationally on Indian gaming, the Attorney General's office believes that tribal casinos in California contribute a sizable portion of that total. [34] Over twenty of the 104 Indian tribes and bands in California have turned gambling into a profitable business. [35] The Sycuan tribe, east of San Diego, used its gambling revenues to construct new homes, a health clinic, police and fire departments, and a tribal center. [36]

The seminal case opening the door for Indian gambling was California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987). [37] In Cabazon, the Court was looking at bingo laws in California. The Court found that where the state permitted even restricted bingo (i.e. limited stakes, gaming hours, etc.), its laws were "regulatory" and not "prohibitory." The latter could be applied against tribes, the former could not. The result was that if a state permitted any type of bingo, the tribes could also offer the game, free of state interference.

As a result of Cabazon, Congress enacted the Indian Gaming Regulatory Act (IGRA) in 1988. [38] IGRA divides gambling into three classes: [39] Class I gaming consists of "social games played for prizes of minimum value or traditional forms of Indian gaming engaged in by individuals as part of, or in connection with, tribal ceremonies or celebrations;" Class II gaming, which includes nonbanking games in which players do not bet against the house, Bingo and card games which are not expressly prohibited by the state are permitted; Class III gaming is defined as games not included in Class I or II, including "electronic or electromagnetic facsimiles of any game of chance or slot machines of any kind."

IGRA allows unencumbered Class I gaming, regulated by the tribes themselves. Tribes may conduct class II gaming if the state permits any similar game, and they regulate themselves subject to National Indian Gaming Commission oversight. The class II provisions essentially codify Cabazon. Class III gaming may only be conducted if the state permits similar games, and then only if the tribe and state enter into a compact to establish a method of regulation.

### B. Current Issues

Current controversy has surrounded the use of gaming devices similar to slot machines in California's tribal casinos. Indian tribes in the state operate an estimated 8,300 gaming devices on their reservation casinos. [40] These devices resemble traditional one-armed bandit slot machines, but operate slightly differently: players feed paper bill currency into the machines' and push buttons. When a player cashes out, they push a button on the machine and a redeemable receipt emerges, exchangeable for cash. [41] The games include video poker, video keno, and a variation of a matching game, similar to the typical three-object slot machine. California does not allow banked or percentage card gambling, which falls under Class III. With the uncertain exception of video lottery machines (video keno), slot machines are prohibited under California law. [42]

This case was recently decided by the U.S. Court of Appeals for the Ninth Circuit. In Rumsey Indian Rancheria v. Wilson, 64 F.3d 1250 (9th Cir. 1994), the court ruled that the "fact that California allows games that share some characteristics with banked and percentage card gaming . . . is not evidence that the State permits the Proposed Gaming Activities." [43] The court also rejected the argument that if the state lottery is not technically a slot machine, it is functionally similar to one.

The Ninth Circuit further defined the contours of state-tribe compact requirements. Rumsey held that IGRA does not mandate a state to negotiate over a form of Class III gambling, even if it has legalized another, similar form of gaming. [44] Currently, the Rumsey decision is pending United States Supreme Court appeal. The court followed a similar case decided in the U.S. Court of Appeals of the Eighth Circuit. [45]

However, given the illegal status of many of the gaming devices, and the uncertain legitimacy of the video keno devices, law enforcement issues remain a problem for tribal casinos. The Ninth Circuit has recently held, in Sycuan Band of Mission Indians v. Roache [46] that California lacks jurisdiction to enforce its laws against proscribed Class III gaming activities on tribal lands. [47] IGRA grants exclusive jurisdiction to the federal government, to be enforced by the U.S. Department of Justice. Past attempts by the state to shut down casinos operating the devices have been aborted by injunctive mandates. [48]

### C. Possible Legislative Developments

Pending legislation in Congress may result in a plethora of regulation options to control the present, multi-billion dollar tribal industry. A pending bill sponsored by Senator John McCain (R-Arizona) would federalize tribal gambling: a new, independent tribal gaming commission would be created with the power to create and enforce regulations. [49] The commission would be similar in power and in scope to Nevada's gaming commission. Also, the Department of the Interior appropriations bill proposes to reduce the budget to the Bureau of Indian Affairs by twenty percent; tribal gambling will take up the slack in appropriations. [50] Another bill in Congress would impose a thirty percent tax on Indian gaming profits. These measures, as viewed by some Native Americans, may constitute an attack on Indian sovereignty; tribes contend that treaties ceded land in exchange for services and the freedom to pursue economic opportunities on reservation land.

California may undermine tribal gaming operations by legalizing Class III activities in metropolitan areas. California may choose to compete with Nevada casinos directly. Indeed San Francisco mayor Willie Brown initially backed a proposal to open casino operations on Treasure Island, in the San Francisco Bay during his campaign. [51] However, this action would require passage of a Constitutional amendment similar to the state lottery amendment. Three Initiatives to regulate and/or expand gaming in California are pending state Attorney General review. [52] Legalizing expanded operations in California will have two effects: First, the tribes will be able to offer any of the games allowed under the new state laws, and second, state licensed casinos would cut sharply into tribal gaming revenues, offering a convenient alternative to current gamblers driving out to reservations or traveling to Nevada.

## III. New Forms of Gambling

## A. "900" Number Telegambling Services

Nurtured by technological developments, new forms of gaming promise to create expansive growth in future state gambling. One of the more established technologies augmenting gaming activity is the business of toll, "900" telephone numbers. Legal gaming operations in states such as Nevada provide these toll numbers to facilitate bookmaking. However, the service numbers, legal in the state of operation, are accessible to Californians where the offered services are not permitted. This unregulated activity raises issues of undetermined jurisdiction. One of the pertinent questions is where the gaming activity is taking place when Californians call out-of-state bookmakers. Bookmaking operators argue that the wagering takes place in Nevada, where it is legal. These calls may be analogous to physically traveling into Nevada to conduct legal gaming. However, the fact that communication originates and continues back and forth from a jurisdiction prohibiting the activity presents a problem. Although the subject is yet to be decided by a court of law, the out-of-state wagering may constitute wire fraud. Other related issues may include the extent to which bookmakers solicit business outside of the legal jurisdiction. However, the fact that bookmakers advertise their activities in California is not necessarily illegal. For example, several Las Vegas casinos currently advertise gambling activity in California.

While not regulated at present, laws could be enacted to curtail Californians from using the "900" number services, if the practice is deemed illegal. Interstate regulation could require the bookmakers to inquire as to the call's point of origin, and bookmakers could be required to refrain from taking prohibited wagers. Also, given the fact that phone companies have the ability to block "900" services for callers, California could require its Public Utility Commission to coordinate a state-wide blockage of these numbers.

## B. Internet Virtual Casinos

A larger source of unregulated gambling growth stems from the development of the Internet. The Internet creates a world information marketplace with little existing regulations on gaming activity. As with telegambling, gambling providers may develop activities where they are legal. However, the scope of activities extends far beyond bookmaking services; enterprises have created virtual casinos for Internet subscribers all over the world. [53] Last year world gambling revenues passed \$450 billion; financial forecasters are predicting \$10-\$20 billion per year for Internet gambling within the next five years, with most of the revenue accruing from Europe and Asia. [54]

Confusing the legal implications of these services is the notion of where informational transactions occur. The intrinsic nature of the Internet creates a global communications network for information transfer, obfuscating state and national jurisdictions. Information passes around the world through numerous network conduits. Transactions take place in cyberspace, an abstract, omnipresent location spanning the entire network. Therefore, it is confusing as to who may enforce laws restricting activities conducted on the Internet; no single state entity exercises control or dominion over the Internet.

Technology has created other obstacles to enforcement. Even if California enacts laws to prohibit its citizens from Internet gambling, the development of encryption programs will limit enforcement capabilities. The ability to encrypt data secures the identity and transactions of clients patronizing gambling sites on the Internet. For example, Sports International, one of the world's largest offshore sports and gaming enterprises, provides

licensing of its patented encryption and security technology in association with its upcoming Internet Gaming and Internet Global Casinos programs. [55] Recently, a San Francisco-based company, Venture Tech, announced its intent to enter into a licensure agreement for operations in Asia and Europe) with Sports International. Sports' president, Mike Simone, guarantees the confidentiality of client activities and transactions via an encryption process. Thus, even if consumers were gambling illegally, law enforcement may never be privy to the gambler's identity or the nature of their transaction.

Given the unregulated nature of the Internet and the huge potential for profit, the future of gambling regulation in the electronic realm leaves many unanswered questions as to how and if this medium may be controlled. [56]

### C. Public Opinion Related to Gambling Opportunities

A recent Field Institute report indicates that California public opinion reflects a tentative affirmation to expand legalized gambling activities in the state. [57] While nearly two-thirds of Californians surveyed approve of allowing more gaming activities to generate increased tax revenue, the public remains equally divided as to extending Nevada-style casinos, more card rooms, or sports booking to California. [58] Over half of the surveyed residents endorsed the creation of a state commission to regulated cardroom activities as well as any permitted Nevada-style casino gaming. Also noted from the Field Institute survey is the countervailing concern by nearly two-thirds that legalized gambling encourages fiscal irresponsibility, tempting people to gamble away resources they need to support their families. Thus, while Californians would permit more gaming to glean more tax revenue, expansion is contingent on increased state regulation and public interest.

## Conclusion

To effectively regulate gambling activity in California, legislative reform must adapt to current growth trends in gaming activity. Given the increased growth in cardroom and Indian Tribal casino operations, and the emergence of a new electronic marketplace, legislative reform may take an active role to enlarge its regulatory and revenue generating capacity. This would seem to coincide with public opinion trends as well. While cardroom growth has been placed in temporary stasis for the next three years, electronic and tribal gaming remain unregulated in the wake of legal uncertainty.

## Multi-State Gambling Survey

The following survey compares the legislative measures currently adopted to regulate state gaming activities. It also highlights distinguishing characteristics of the surveyed states.

### Legalized Gambling Throughout the United States: 59

States	Bingo	Card Rooms	Casinos	Indian Gaming	Lottery	Pari-Mutuel Betting
AL	X			X		X

AK	X						
AZ	X				X	X	X
AR	X						X
CA	X	X			X	X	X
CO	X	X	X			X	X
CT	X				X	X	X
DE	X					X	X
FL	X				X	X	X
GA	X					X	
HI							
ID	X				X	X	X
IL	X	X	X			X	X
IN	X		X			X	X
IA	X	X	X			X	X
KS	X				X	X	X
KY	X					X	X
LA	X		X		X	X	X
ME	X					X	X
MD	X	X				X	X
MA	X					X	X
MI	X	X	X		X	X	X
MN	X	X	X		X	X	X
MS	X		X		X		
MO	X				X	X	X
MT	X	X	X		X	X	X
NE	X				X	X	X
NV	X	X	X		X		X
NH	X					X	
NJ	X	X	X			X	X
NM	X					X	
NY	X				X	X	X

NC	X					X	
ND	X	X	X	X			X
OH	X					X	X
OK	X				X	X	X
OR	X	X	X	X		X	X
PA	X					X	X
RI	X					X	X
SC	X						
SD	X	X	X	X		X	X
TN							X
TX	X					X	X
UT							
VT	X					X	X
VA	X					X	X
WA	X	X	X	X		X	X
DC	X					X	
WV	X					X	X
WI	X		X	X		X	X
WY	X					X	X

## State-By-State Summary of Gambling Laws [60](#)

### Alabama Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
Bingo	Alabama provides detailed licensing provisions which vary from county to county. For example, applicants in Jefferson county must have been in existence for at least 24 months immediately prior to the issuance of the license, while Madison county	Prize limitations vary from county to county: Jefferson county - \$1,200 per session, or \$2,400 per week; Madison county - \$1K per session, or \$2K per week. Games must be conducted by nonprofit religious, charitable, educational or veterans' organizations. Must be 19 years old to play.

applicants must have been in existence continuously for 23 months.

State Lottery

Prohibited.

No defense to prosecution for crimes related to lottery-type activities if owner participates in lottery drawn or conducted legally outside the state of Alabama. Code of Ala. 13A-12-29 (1995).

Card Clubs

All gambling with dice or cards in a "public place" is prohibited.

\*However, gambling in a private residence is not. See *City of Birmingham v. Richard*, 44 Ala. App. 127.

Slot Machines

Prohibited. Machine must eject "something of value" in order to be considered illegal. See *Holley v. State*, 542 So. 2d 952 (Ala. Crim. App. 1989).

Not a defense to prosecution if machine is not in working order at the time of seizure. No antique slot machine provisions found under Ala. codes.

Pyramid Schemes

Prohibited.

"Pyramid sales structure" includes any plan or operation for the sale or distribution of goods, services, or other property wherein a person for consideration acquired the opportunity to receive a pecuniary benefit, which is based primarily upon the inducement of additional persons by that person, and others, regardless or number, to participate in the same plan or operation and is not primarily contingent on the volume or quantity of goods, services, or other property sold or distributed. Code of Ala. 8-19-5 (1995).

Forfeiture of Illegal Gambling Proceeds

Money used as bets or stakes in gambling activity is forfeited to the state and by court order shall be transmitted to the general fund of the state. Code of Ala. 13A-12-30 (1995).

Any gambling device or gambling records seized shall be forfeited by the state, and shall be destroyed or otherwise disposed of as the court directs.

## Alaska Gambling Provisions

Gambling Activity

Licensure/Regulation Conditions

Bingo	<p>Token-operated bingo machines are illegal gambling devices, since they are not authorized under Alaska Stat. 05.15 and are expressly excepted from authorized charitable gaming activities that can be conducted by permittees.</p> <p>According to an opinion by the attorney general, charitable organizations are permitted to operate relatively small scale activities.</p>	<p>The department may not allow more than 14 bingo sessions per month and 35 bingo games per session per permit. All net proceeds must be devoted within one year to at least one purpose for which the charitable organization is formed. Games must be conducted by "political, educational, civic, public, charitable, patriotic, or religious uses -- uses benefiting persons either by bringing them under the influence of education or religion or relieving them from disease, suffering or constraint, or by assisting them in establishing themselves in life by providing for the promotion of the well-being of the organization or community.</p>
State Lottery	Prohibited.	Department of Revenue regulates lottery-type activities for charitable organizations.
Cruise Ship Gambling	Permitted.	Cruise ship employees are exempt from Alaska Stat. 04.16.175 which provides that agents of a gambling enterprise may not furnish alcoholic beverages in aid of a gambling enterprise.
Slot Machines	Prohibited.	Permitted if slot machine may be played for amusement only or which confines winner's reward to privilege of additional play or other form of amusement and not entirely based dependent upon the element of chance.
Pyramid Schemes	Prohibited.	No minimum investment required.
Forfeiture of Illegal Gambling Proceeds	Subject to seizure and forfeiture to the state.	It is not a defense that the person who possessed illegal gambling devices had not been convicted or acquitted in a criminal proceeding. Forfeiture may not be made of an item subsequently sold to an innocent purchaser in good faith and the burden of proof rests on the purchaser.

### Arizona Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
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Bingo	Department of Revenue issues 3 classes of licenses ranging in fee (\$10 - \$200).	Prizes limited in amount to \$1000 per game and total prizes shall not exceed \$3000 per occasion. Games may be conducted by homeowners association or any bona fide charitable, fraternal, religious, social, veterans' or volunteer fire fighters organization, or any chartered branch of national or state non-profit organization which has been in existence for two years.
State Lottery	Exclusive permit by statute.	Only legally permitted lottery in state.
Card Clubs	No cardroom gaming permitted.	
Slot Machines	Prohibited.	Antique Slot machines over 25 years-old exempted.
Pyramid Schemes	Prohibited.	No minimum investment prescribed.
Forfeiture of Illegal Gambling Proceeds	Proceeds forfeited to the state general fund or county.	
*Casinos	Social and regulated gambling permitted.	Social gambling not conducted as a business and involves players only receiving winnings from others competing on equal terms. Regulated gambling subject to state and local taxes, fees, and charges except tax exempt organizations with records open to the public.

## Arkansas Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
Bingo	Qualified organization must have been in existence for at least 5 years prior to license application. All net proceeds above the actual cost of conducting the game shall be used for charitable, religious or philanthropic purposes, and no receipts shall be used to compensate in any manner any person who works for or is in any way affiliated with the licensed organization.	Prizes limited to \$200 per game, \$3K per bingo session. Games must be conducted by non-profit, federal income tax exempt religious, educational, veteran's, fraternal, service, civic, medical, volunteer rescue service, volunteer fire fighter's organization, or volunteer police organization licensed to conduct bingo games as permitted by law.  The General assembly determined that the present laws prohibiting lotteries

State Lottery	Prohibited.	within the state does not include prohibiting the printing or other production of lottery tickets by companies in this State for use in states where lotteries are permitted. Ark. Stat. Ann. 5-66-118 (1995).
Card Clubs	Prohibited.	Tables or other useful furniture may not be seized and destroyed simply because it may have been found in a gambling house or because they may be used in playing cards or other games upon which money is bet, but destruction if permitted of those tables and devices that are made and kept solely for the purpose of carrying on a business which the law forbids. See <i>Garland Novelty Co. v. State</i> , 71 Ark. 138 (1902).
Slot Machines	Prohibited. *The employment of another to watch after a slot machine, in the operation of which money was lost and won, was considered an offense. See <i>Jeffries v. State</i> , 61 Ark. 308 (1895).	Where slot machines found in warehouse were gambling devices it was proper for court to order their destruction though not actually set up for public use. See <i>Bell v. State</i> , 212 Ark. 337.
Pyramid Schemes	Prohibited.	No minimum investment required.
Forfeiture of Illegal Gambling Proceeds	Proceeds forfeited to the state.	

## California Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
Bingo	\$50 licensing fee (maximum) per year paid to the state Attorney General.	Prizes limited in amount to \$250 per game. Games may be conducted only by organizations exempted from the payment of the bank and corporation tax by IRS Code and by mobile home park associations and senior citizens organizations; and provided that the receipts of those games are used only for charitable purposes.
State	Exclusive permit by	

Lottery	statute & constitutional amendment.	Only legally permitted lottery in state
Card Clubs	Cardrooms are approved by local governments and voters. Due to the regulatory nature of California gaming legislation, card gaming is permitted on Indian tribal casinos.	Regulated by police and sheriffs. Misdemeanor offense for failure of law enforcement officers to prosecute.
Slot Machines	Seemingly prohibited. Challenged as to whether Indian tribal casinos are barred from operating.	Pending U.S. Supreme Court appeal from 9th Circuit Ct of Appeals as to whether state lottery quick pick keno is legal equivalent to slots and therefore law is regulatory. Defense to prosecution if slot machine is over 25 years of age and not operated for gambling purposes when in defendant's possession.
Pyramid Schemes	Prohibited.	No minimum investment required.
Forfeiture of Illegal Gambling Proceeds	Proceeds forfeited to local treasury.	

## Colorado Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
Bingo	\$62.50 licensing fee paid to Department of State licensing authority.	Prizes limited to no more than \$250 per game. Games may be conducted only by chartered branch, lodge, or chapter of a national or state organization or any bona fide religious, charitable, labor, fraternal, educational, voluntary firemen's, or veterans' organization or any association, successor, or combination of association and successor of any of the said organizations which operates without profit to its members and which has been in existence continuously for a period of five years.
State Lottery	Exclusive permit by statute.	Only legally permitted lottery in state.
Card Clubs	Only permitted/licensed in historical cities of Central, Black, and Cripple Creek.	Authorization for taxes (up to 40% of gross adjusted proceeds) to preserve and restore the historical cities. Commission takes into account profitability of operations and comparable gambling in other states balanced against public needs.

Pyramid Schemes	Prohibited.	Prohibited if individual investments exceed \$50.
Forfeiture of Illegal Gambling Proceeds	Proceeds forfeited to state general fund.	
Slot Machines	Prohibited.	Defense to prosecution if slot machine not used for gambling purposes (i.e. in privacy of owner's home for amusement purposes).

## Connecticut Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
Bingo	<p>Upon a written petition of 5% of its citizenry, local municipalities vote to determine whether or not to permit bingo activities. 3 types of permits: Class A, Cost \$75. Annual one-day-a-week permits, not more than 40 and not less than 15 games on such day. Class B, Cost \$75. Not more than 40 and not less than 15 bingo games per day for a max. of 10 successive days. Class C, Cost \$50. Annual one-day-per-month permits. Not more than 40 and not less than 15 games permitted on such day.</p> <p>EXCEPTION: Recreational bingo for seniors (65 years or older) allowed to operate bingo facilities without permit by permission from state executive director.</p>	<p>Prizes limited to \$50 per game, total prizes shall not exceed \$400 per occasion. Games may be sponsored by charitable, civic, educational, fraternal, veterans or religious organizations, volunteer fire dept. or grange. Such organizations must be in existence for at least 2 years prior to permit application. All bingo operators must pay to the state executive director within 10 days after bingo game, 5% of gross receipts less prizes awarded. State executive director shall pay local municipality .25% of total money wagered less prizes and payments made.</p>
State Lottery	Exclusive permit by statute	<p>Only legally permitted lottery in state. Class A misdemeanor to sell out-of-state lottery ticket within the state.</p>
Slot Machines	Prohibited.	<p>Categorized as an offense against public policy. <i>See State of Connecticut v. Bull Investment Group, Inc.</i> 32 Conn. Supp. 279.</p>
Casinos	Generally prohibited.	<p>Excepted activities include the training of casino personnel for employment by Mashantucket Pequot tribe.</p>
Forfeiture		

of Illegal Gambling Proceeds Proceeds forfeited to state general fund.

## Delaware Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
Bingo	\$300 annual license fee for each organization sponsoring instant bingo games. Charitable organization must have been in existence continuously for at least 2 years prior to license application.	Prizes limited to \$250 per game; \$1K total aggregate per day. Games must be conducted by nonprofit veterans', religious or charitable organization, volunteer fire company or fraternal society as defined in article II 17A or 17B of the state Constitution. 28 Del. C. 1102 (1995). Must be 18 years old to play.
State Lottery	Exclusive permit by statute. Only legally permitted lottery in state.	Director shall have the power and it shall be his duty to operate and administer the state lottery and to promulgate such rules and regulations governing the establishment and operation of the lottery. 29 Del. C. 4805 (1995).
Card Clubs	Prohibited.	
Slot Machines	Prohibited.	Defense to prosecution if machine is at least 25 years old and is not used for gambling purposes while in owner's possession. 11 Del. C. 1405 (1995).
Pyramid Schemes	Prohibited as an unlawful practice under 6 Del. C. 2562 (1995) and violators of this section shall be fined not more than \$5,000, or imprisoned not more than 3 years, or both.	"Pyramid or chain distribution scheme" means a sales device whereby a person, upon a condition that he part with money, property or any other thing of value, is granted a franchise license, distributorship or other right which such franchise, license, distributorship or right upon such condition. 6 Del. C. 2561 (1995).
Forfeiture of Illegal Gambling Proceeds	Conviction is a condition precedent to forfeiture. See <i>State v. Rossitto, Del. Supr.</i> , 331 A.2d 385 (1974).	Money seized may be confiscated if, at the time of the seizure, the money formed an integral part of the gambling operation or if it was then earmarked or segregated for gambling purposes. See <i>State v. Fossett, Del. Super.</i> , 134 A.2d 272 (1957).

## Florida Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
Bingo		Prizes limited to no more than 3 jackpots in a session for no more than \$250 each, and other prizes must be under \$50. Games may be conducted only by charitable, nonprofit, or veterans' organizations engaged in charitable, civic, community, benevolent, religious, or scholastic works or other similar endeavors, which organizations have been in existence and active for a period of 3 years or more; other organizations which return all of the proceeds to players in the form of prizes.
State Lottery	Exclusive permit by statute.	Only legally permitted lottery in state.
Card Clubs	Generally prohibited with small wager exception.	"Penny-ante games" are permitted where winnings of any player in a single round, hand, or game do not exceed \$10 in value.
Slot Machines	Prohibited.	Defense to prosecution if slot machine is over 20 yrs old and not operated for gambling purposes while in owner's possession.
Pyramid Schemes	Prohibited.	Prohibited if individual investments exceed \$100.
Forfeiture of Illegal Gambling Proceeds	Proceeds forfeited to county in which money was seized.	

## Georgia Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
Bingo	\$100 annual license fee; must make application to the director on forms prescribed by the Georgia Bureau of Investigation. Nonprofit, tax-exempt organization must have been in existence for 24 months immediately prior to the issuance of the license. No license required for "recreational bingo" - a nonprofit bingo game where noncash prizes are offered.	"It is the intention of the General Assembly that, except for recreational bingo, only nonprofit, tax-exempt organizations which are properly licensed . . . shall be allowed to operate bingo games." O.C.G.A. 16-12-50 (1995).

State Lottery	Exclusive permit by statute under Chapter 27 of Title 50 and the rules and regulations of the board of directors of the Georgia Lottery Corporation.	
Card Clubs	Prohibited.	A person commits the offense of gambling when s/he: . . . plays and bets for money or other thing of value at any game played with cards, dice, or balls. O.C.G.A. 16-12-21 (1995).
Slot Machines	Prohibited.	Defense to prosecution if machine was manufactured prior to 1950 and was not used for gambling purposes while in owner's possession. Defense is inapplicable if owner has been previously convicted of a felony in this or any other state, or under federal law, and if the antique slot machine is on the premises of a private or public club or in an establishment where alcoholic beverages are sold. If antique slot machine was found to be used for "gambling purposes," it shall be destroyed. O.C.G.A. 16-12-24 (1995).
Pyramid Schemes	Prohibited.	No minimum investment required.
Forfeiture of Illegal Gambling Proceeds	Proceeds considered "contraband" and subject to forfeiture by any peace officer to the general fund of the county in which property was seized.	

## Idaho Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
Bingo	\$100 licensing fee paid to the state lottery. Non-qualifying charitable organizations may apply for a bingo operating license with the state lottery. Qualified charitable organizations are exempted from licensing requirement if prize is limited to \$100 per game and the maximum amount offered during one	Prized limited to \$1,200 per game and \$5,000 aggregate per bingo session. Number of bingo games is limited to 3 sessions per week, each session not to exceed 8 hours per day. Games must be conducted by qualified charitable organizations -- organizations that are exempt from income tax as well as nonprofit charitable, civic, religious, fraternal, patriotic or veterans

session is \$500. All gross revenues received from charitable bingo games must be dispersed as follows: not more than 65% for prizes; not less than 20% for charitable purposes; and not more than 15% for administrative expenses.

organizations, nonprofit volunteer fire departments and volunteer rescue squads, nonprofit volunteer educational booster groups, parent-teacher organizations or associations. Every charitable organization whose annual gross revenue exceeds \$100,000 from charitable bingo games shall provide state lottery with an annual audit.

State Lottery

Exclusive permit by statute.

Only legally permitted lottery in state.

Card Clubs

Prohibited.

Casinos

Prohibited.

Prohibited casino gambling activities include, but are not limited to, blackjack, craps, roulette, poker, baccarat, keno and slot machines, or any electronic or electromechanical imitation or simulation of any form of casino gambling.

Pyramid Schemes

Prohibited.

Slot Machines

Prohibited.

Subject to confiscation and considered nuisances. *See Mullen & Co. v. Moseley*, 13 Idaho 457. Slot machines, like other gambling devices, are not "property" but rather, "contraband," subject to seizure and summary destruction. *See State v. McNichols*, 62 Idaho 616. Permitted only if used for amusement and confines winner's reward to privilege of additional play or other form of amusement. Defense to prosecution if slot machine was manufactured prior to 1950 and not operated for gambling purposes. Can be used for display purposes only.

Forfeiture of Illegal Gambling Proceeds

Proceeds forfeited to state general fund.

## Illinois Gambling Regulation

Gambling Activity

Licensure/Regulation

Conditions

\$200 annual fee payable to the

Prizes limited to \$2,250 in any single

Bingo	department of revenue. \$50 limited license for no more than 2 indoor/outdoor festivals in a year for a maximum of 5 days on each occasion.	day of bingo. Games must be conducted by bona fide nonprofit religious, charitable, labor, fraternal, youth athletic, senior citizen, educational or veterans' organization.
State Lottery	Exclusive permit by statute.	Only legally permitted lottery in state.
River Boat Gambling	Permitted. \$50,000 initial application fee to be paid to defray costs associated with background investigations. Applicant must pay more if background check exceeds \$50K and conversely, applicant will be refunded amount not spent. \$25K fee for first year, \$5K for each additional year.	Riverboat gambling allowed on any navigable stream within the State or an navigable stream other than Lake Michigan which constitutes a boundary of Illinois. Legislative intent/public policy is to increase tourism and development within the state.
*Compulsive Gambling		Department of alcohol and substance abuse requires signs to be posted at all entrances and exits where legal gambling is conducted.
*Pull Tabs and Jar games	\$500 annual licensing fee. Not granted to persons who have been convicted of a felony within 10 years of the date of this application, a person who is a professional gambler or one whose previous license has been revoked.	Games must be authorized by local fraternal mutual benefits organization chartered at least 40 years before application for lease and any bona fide religious, charitable, labor, fraternal, youth athletic, senior citizen, educational or veterans' organization which operated in Illinois for a period of 5 years continuously immediately prior to application.
Slot Machines	Permitted under limited circumstances.	Considered per se contraband unless 1) machines have been manufactured for transportation in interstate or foreign commerce, 2) the slot machine is 25 years of age and not operated for gambling purposes while in owner's possession, and 3) machines are for use on riverboat casinos.
Forfeiture of Illegal Gambling Proceeds	Proceeds subject to forfeiture in the county where seizure occurred.	

## Indiana Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
Bingo	No license if qualified charitable organization does not charge a fee for entrance and prize awards are limited to \$100 per game, aggregate value of prizes per even event does not exceed \$1,000 and aggregate value per calendar year does not exceed \$5,000.	Prizes limited to not more than \$1,000 per game; total aggregate amount during one session not to exceed \$6,000. Games must be conducted by a qualified charitable organization -- a nonprofit religious, educational, senior citizen, veteran or civic organization and has been in continuous existence for 5 years.
State Lottery	Exclusive permit by statute.	Only legally permitted lottery in state.
Slot Machines	Generally prohibited.	Manufacturer may ship gambling devices (slot machines) to licensed riverboat operators within the state.
*Riverboat Gambling	Initial \$25,000 license fee, owner to post a bond. Commissioner issues licenses based on geographical constraints; not more than 11 licenses shall be outstanding in any one given time. Riverboat owner must give assurances that infrastructure of docking city will be improved and city will benefit economically.	Riverboats operating on the Ohio river must carry at least 500 passengers, be at least 150 feet in length and be regularly inspected by the commission.
Pyramid Schemes	Prohibited.	Prohibited if individual investments exceed \$100.
Slot Machines	Generally prohibited.	Legal to transport slot machines as "gambling devices" to licensed riverboats within the state.
Forfeiture of Illegal Gambling Proceeds	Proceeds forfeited to state.	

## Iowa Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
	\$150 annual licensing fee. Qualifying	Prizes limited to \$100 per game. Each session must not exceed 4 hours; limited to 3 bingo sessions per week, not more than 14 occasions permitted per month [senior citizen facilities excluded]. Games must be conducted by

Bingo	organizations operating under a 2 year license who expect to produce annual gross receipts exceeding \$10K must open a separate "bingo" interest bearing bank account and funds must not be commingled.	"qualified organizations. All net proceeds must be used for "educational, civic, public, charitable, patriotic or religious uses" -- uses benefiting society for the prevention of cruelty to animals, uses benefiting an indefinite number of persons either by bringing them under the influence of education or religion or relieving them from disease, suffering, or constraint, or by erecting or maintaining public buildings or works, or otherwise lessening the burden of government, or uses benefiting any bona fide nationally chartered fraternal or military veterans organization.
State Lottery	Exclusive permit by statute.	Only legally permitted lottery in state.
Card Clubs/Casinos	Generally prohibited, except as operated on riverboats.	
Riverboat gambling	Applicant must undergo an extensive "background" check before license granted. Annual license fee shall be based upon passenger carrying capacity (including the crew) of riverboat, assessed at \$5 per person.	Riverboat owner agrees to promote local interests in docking city, including economic benefit and infrastructure enhancement.
Pyramid Schemes	Prohibited.	No minimum investment permitted.
Slot Machines	Generally prohibited.	Permitted on riverboats. "Winnings" are earned income and subject to state and federal income tax. Defense to prosecution if slot machine is antique -- 25 years or older and not operated for gambling purposes while in owner's possession.
Forfeiture of Illegal Gambling Proceeds	Proceeds forfeited to the state; board of supervisors must approve the designation.	Anything of value including money, real/personal property and negotiable instruments is subject to forfeiture.

## Kansas Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
Bingo	\$25 annual license fee; if games are conducted on leased property, a copy of the lease shall be submitted to the secretary of revenue. The power to regulate, license and tax the management, operation and conduct of and participation in games of bingo is hereby vested exclusively in the state. K.S.A. 79-4702 (1995). No bingo license shall be issued to any qualified organization if any of its officers, directors, or officials employed on the premises has plead guilty or nolo contendere to a violation of any state gambling laws. K.S.A. 79-4703 (1995).	Total aggregate prizes per day limited to \$1,200, any single prize of \$100 or more shall be paid by a check drawn on the bingo trust bank account of the licensee, and regular call bingo games limited to \$50 per game. K.S.A. 79-4706 (1995). Games must be conducted by a bona fide nonprofit religious, charitable, fraternal, educational or veterans' organization. Must be 18 years old to play.
State Lottery	Exclusive permit by statute and constitutional amendment according to the Kansas lottery act. See K.S.A. 74-8705 et. all. (1995).	Only legally permitted lottery in state, regulated by the Kansas lottery commission.
Casinos	Prohibited.	
Slot Machines	Considered a "gambling device" and prohibited. Slot machine moneys are directed to be paid to the county treasurer. See <i>State v. V.F.W. Post No. 3722</i> , 215 K. 693.	Defense to prosecution if slot machine is an antique manufactured prior to 1950 and was not operated for gambling purposes while in owner's possession. K.S.A. 21-4306 (1995).
Pyramid Schemes	Prohibited.	
Forfeiture of Illegal Gambling Proceeds	Proceeds forfeited to state.	Commissioner may suspend or revoke licensee's license and fees become non-refundable.

### Kentucky Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
Bingo	\$300 annual license fee. Charitable organizations are exempt from licensing provisions when gross receipts from bingo games do not exceed \$300 per week and \$5K per year. Special limited licenses are	Games must be conducted by "charitable gaming" organizations regulated under the provision of K.R.S. Chapter 238. Must be 18 years old to play, however, a charitable organization exempted

	issued when licensed charitable organization limits bingo games to one day per week and no more than 5 hours long per 24-hour period. Prizes limited to \$5K per bingo session.	under K.R.S. 238.595 may permit persons under 18 to play if accompanied by parent or legal guardian and only if noncash prizes are awarded.
State Lottery	Exclusive permit by statute. State treasurer shall establish a Kentucky Lottery trust account.	
Card Clubs	Prohibited.	Where defendant was found participating in a poker game and was observed to take money from the "pot" and place it in a cigar box in front of him, the evidence was sufficient to sustain a conviction for caring on or managing such poker game. <i>See Massie v. Commonwealth</i> , 309 Ky. 129 (1949).
Slot Machines	Prohibited. A slot machine is a gambling device when the one who plays it stands to lose money, check or trade by a hazard or chance. It is not necessary that both parties would stand to lose in order to make or constitute a gambling device. <i>See Allen v. Commonwealth</i> , 179 Ky. 125 (1917).	Defense to prosecution is slot machine is an antique and is kept in the home with no intent by the owner to use the machine for gambling purposes.
Pyramid Schemes	Prohibited.	A scheme by which defendants enrolled prospective customers in a chain-letter type program through the sale of a series of motivational tapes, where the chief function of the tapes was to lure the customer into investing in pyramid selling arrangement offering prospects of quick earnings, was found illegal.
Forfeiture of Illegal Gambling Proceeds	All property which is subject to forfeiture under any section of the Kentucky penal code shall be forfeited to the state and, upon order of the trial court, shall be destroyed by the sheriff of the county in which conviction was obtained. Property subject to forfeiture may also be sold a public action and all sale proceeds shall be deducted from proceeds of the sale.	A seizure of money is not authorized by law unless the money is used as a stake or exhibit to lure persons to wager. <i>See Giley v. Commonwealth</i> , 312 Ky. 584 (1950).

## Louisiana Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
Bingo	<p>Special license granted to qualifying organization for not more than 2 bingo sessions per calendar year, aggregate amount of prizes per session not to exceed \$25K. Individuals conducting bingo games may not be compensated except for games that benefit the visually and/or hearing impaired, paraplegics, quadriplegics, mentally retarded, or persons sixty years of age or older. Employees may be paid \$30 per day.</p>	<p>Prizes limited to \$4,500 per bingo session. Games must be conducted by a nonprofit charitable organization that is exempt from federal &amp; state taxes. Need proceeds must be deposited in a charitable "gaming account" and deposits must occur no later than 2 banking days after bingo game (not to exceed 5 calendar days preceding bingo contest).</p>
State Lottery	<p>Exclusive permit by statute.</p>	<p>Only legally permitted lottery in state.</p> <p>Informational signs containing the toll-free telephone number must be displayed in various places where gambling or gaming activities are conducted in the state, horse racing tracks, and charitable bingo parlors. The office shall provide such signs to the Lottery Corporation which requires posting at lottery retail outlets.</p>
*Compulsive Gambling	<p>Regulations exposed by the office of mental health.</p>	<p>Cruises must be 3 to 8 hours in length. Must be 21 year old to gamble. Operators who fail to post toll-free, 24-hour compulsive gambling hot-line number around gambling facilities may be fined up to \$1,000 per day. 25% of all alcoholic beverages served on riverboats must have been bottled in LA.</p>
Riverboat Gambling	<p>Applicant must undergo an extensive background check and be of "good moral character" for riverboat gambling license. The initial fee is \$50K; any costs for background check will be reimbursed. Applicant must pay an additional \$5K for racehorse wagering permit. The initial permit is valid for 5 years. No more than 6 licenses may be issued for riverboats operating in one parish. Violations of licensing provisions are subject to forfeiture and deposited in the riverboat gaming enforcement fund.</p>	<p>Cruises must be 3 to 8 hours in length. Must be 21 year old to gamble. Operators who fail to post toll-free, 24-hour compulsive gambling hot-line number around gambling facilities may be fined up to \$1,000 per day. 25% of all alcoholic beverages served on riverboats must have been bottled in LA.</p>
Pyramid Schemes	<p>Prohibited.</p>	<p>No minimum investment required.</p>

Slot Machines	\$5K permit fee for slot machine manufacturers for riverboat gambling purposes.	Permitted on riverboat gambling cruises. Defense to prosecution is slot machine is over 25 years old ("antique") and not operated for gambling purpose while in owner's possession.
Forfeiture of Illegal Gambling Proceeds	Illegal gambling devises are subject to confiscation and immediate destruction.	

## Maine Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
Bingo or "beano"	License to nonprofit organizations cost \$7.50 per week, \$22.50 per month. All license fees must be paid to the Treasurer of State to be credited to the General fund. Licenses are not transferable. Licenses for high-stakes bingo games cost \$50K per year, payable in advance in quarterly installments. Licenses are obtained upon express written authority from the Chief of the State Police to hold, conduct or operate bingo games for the entertainment of the public. The commission and the bureau shall have no authority to regulate, control or otherwise supervise the operation or conduct of the amusement commonly known as "beano" or "bingo" as defined in Title 17, section 311.	Prizes limited to \$400 per game; total aggregate prizes not to exceed \$1,400 per session. Games may be conducted by volunteer fire department, agricultural fair associations, bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or veterans' organization that was in existence at least 2 years prior to its application for a license. Must be 16 years old to play; children under 16 must be accompanied by parent, guardian or "other responsible person."
State Lottery	Exclusive permit by statute.	The commission shall meet with the director, not less than once each month, to promulgate and amend rules, subject to the approval of the commissioner, relating to the lotteries. 8 M.R.S. 374 (1995).
Card Clubs	Prohibited.	No innkeeper may have or keep for gambling purposes about the business establishment any dice, cards, bowls, billiards, quoits or other

Slot Machines	Prohibited.	implements used in gambling. 30-A M.R.S. 3833 (1995).  "Slot machine" means any machine which operates by inserting a coin, token or similar object, setting the internal mechanism of the machine in motion, and by the application of the element of chance may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tickets or something of value. 17 M.R.S. 330 (1995).
Pyramid Schemes	Prohibited.	Pyramid type investment schemes are considered to be a "lottery" and are prohibited. Violators shall be guilty of a misdemeanor punished by a fine of not more than \$5K or by imprisonment for not more than 11 months, or both. 17 M.R.S. 2305 (1995).
Forfeiture of Illegal Gambling Proceeds	Subject to forfeiture to the state.	

### Maryland Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
Bingo	Licenses may be obtained from local sheriff's department. Organization must have been in existence continuously for a period of 3 years prior to license application. License fees and prize award limitations vary from county to county -- Maryland maintains a detailed regulatory scheme.	Games must be conducted by charitable organizations including, but not limited to, volunteer fire or rescue squads, nationally chartered veteran's organization, bona fide religious group,
State	Exclusive permit by statute. Only	The director shall supervise and administer the state lottery in accordance with lottery agency regulations and shall confer, at least

Lottery	legally permitted lottery in state.	once a month, with the Commission on operation and administration of the State lottery. Md. State Gov't Code Ann. 9-111 (1995).
Card Clubs	Card games are permitted at Carnivals and bazaars in Kent County upon application of special licenses for such activities.	All proceeds derived from card games shall be used solely for the legitimate charitable, benevolent, or exempt purposes of the volunteer fire company or bona fide fraternal, civic, war veterans', religious or charitable organization. Md. Ann. Code art. 27 255 (1995).
Slot Machines	Prohibited.  *Free-play devices which award automatic replays only, and which contain nothing more than a knockoff switch, are not slot machines under the statutory definition. <i>See State v. 158 Gaming Devices</i> , 304 Md. 404 (1985).	Defense to prosecution if owner proves by a preponderance of evidence that the machine was manufactured at least 25 years before seizure date and was not operated for gambling purposes while in owner's possession. If owner succeeds, the machine shall not be altered or destroyed and shall be returned to owner.
Pyramid Schemes	Prohibited. A person may not establish, operate, advertise, or promote a pyramid promotional scheme. Any person who violates this is guilty of a misdemeanor punishable by a fine of not more than \$10K or imprisonment for not more than 1 year or both.	"Pyramid promotional scheme" means any plan by which a participant gives consideration for the opportunity to receive compensation to be derived primarily from any person's introduction of other persons into participation in the plan from the sale of goods, services, or other intangible property. Md. Ann. Code art. 27 233D (1995).
Forfeiture of Illegal Gambling Proceeds	Money seized from illegal gambling activities shall be deemed prima facie to be contraband of law and upon conviction, all title rights shall vest in the police of the local government or local sheriff's department in which property was seized.	Pending trial or ultimate disposition of criminal charges, money seized or capture shall be deposited in an interest-bearing bank account by the county treasurer. Upon conviction, money forfeited to the State, county or city in which it was seized. Md. Ann. Code art. 27 264 (1995).

## Massachusetts Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
	Organization must have been in existence continuously for 5 year	All net proceeds shall be used exclusively for educational,

Bingo or "beano" games	prior to application. License fees shall be determined annually by the commissioner of administration and proceeds of said fees shall be paid into the treasury of the commonwealth and shall be used by the commission to defray the cost of administering this section, subject to appropriation. Mass. Ann. Laws ch. 10, 38 (1996).	charitable and religious purposes. Games must be conducted by nonprofit "charitable organizations," including, but not limited to: fraternal, religious, veterans', fire rescue, Boston Firemen's Relief Fund, etc. Must be 18 years old to play. No alcoholic beverages may be sold or consumed while games are being played.
State Lottery	Exclusive permit by statute.	State treasurer shall appoint a director of the state lottery who shall supervise and administer the operation of the lottery in accordance with the provisions of the state lottery law. Mass. Ann. Laws ch. 10, 26 (1996).
Card Clubs	Prohibited.	Whoever, in a public conveyance or public place, or in a private place upon which he is trespassing, plays at cards, dice or any other game for money or other property, or bets on the sides of hands of those playing, shall forfeit not more than \$50 or be imprisoned for not more than 3 months. Mass. Ann. Laws ch. 271, 2 (1996).
Slot Machines	Prohibited.	Defense to prosecution if machine was manufactured at least 30 years prior to arrest of owner or seizure of machine and the machine was not operated for gambling purposes while in owner's possession.
Pyramid Schemes	Attorney General Opinion, 1965: "Referral selling schemes are illegal in Massachusetts as violations of lottery laws."	No minimum investment required.
Forfeiture of Illegal Gambling Proceeds	All moneys seized shall be paid over to the state treasurer.	

## Michigan Gambling Regulation

Gambling

Activity	Licensure/Regulation	Conditions
Bingo	<p>\$150 annual licensing fee payable to the state lottery fund. Additional special permits issued:</p> <p>\$50 for a 24-hour, consecutive day permit; \$100 for a 72-hour (3 day) permit. An applicant shall be eligible only for two 24-hour licenses or one 72-hour license per year. Only one 72-hour license shall be issued at the same location in a 7-day period. An extension for the 72-hour license may be granted upon payment of a \$50 fee; the extension shall not exceed a 24-hour period. A special license may be issued if licensed bingo operator conducts another game outside the scope of the annual fee conditions: \$10 for 1 additional day, \$50 for 2 or more additional days.</p>	<p>Prizes limited to \$500 per game and aggregate value of prizes limited to \$2K per session. Games must be conducted by a "qualified organization" -- a bona fide religious, educational, service, senior citizens, fraternal, or veterans' organization that operates without profit, has been in existence continuously for 5 years prior to permit application and is exempt from federal and state taxes.</p>
State Lottery	Exclusive permit by statute.	Only legally permitted lottery in state.
Card Clubs	Prohibited.	<p>Punishable as a misdemeanor and owner/operator subject to 2 years in jail and a maximum \$1,000 fine.</p>
Casinos	Prohibited.	<p>Punishable as a misdemeanor and owner/operator subject to 2 years in jail and a maximum \$1,000 fine.</p>
Pyramid Schemes	Prohibited.	No minimum investment required.
Slot Machines	Prohibited. Subject to confiscation and should be turned over to the director of the department of state police for public auction.	<p>Defense to prosecution is slot machine is over 25 years old ("antique") and not operated for gambling purposes while in owner's possession.</p>
Forfeiture of Illegal Gambling Proceeds	Proceeds forfeited to the state. Gambling devices subject to immediate confiscation & destruction.	

## Minnesota Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
*Bingo	<p>\$2,500 annual bingo hall license fee. No more than 21 bingo games may be conducted per week. License holder must keep bingo records for the past 3 1/2 years. No license required if games are conducted by a nursing home or a senior citizen organization and the prizes for a single bingo game do not exceed \$10, total prizes awarded do not exceed \$200 per occasion, and no more than two bingo occasions per week.</p>	<p>Prizes limited to \$100 per game, aggregate amount per session limited to \$2,500. Games are limited to 10 bingo sessions per week, at least 15 games must be conducted per session, and sessions are not to exceed 4 consecutive hours. Bingo halls must be licensed; permit holders subject to background investigation; halls not limited to "charitable organizations."</p>
State Lottery	Exclusive permit by statute.	<p>Only legally permitted lottery in state. Lottery employees subject to background investigation by the Director of the division of gambling enforcement.</p>
Card Clubs	Prohibited.	<p>Civil cause of action exists against winner for amount wagered.</p>
*Indian Gaming Regulatory Act	Pari-mutuel betting permitted.	<p>Governor (attorney general as legal counsel) may negotiate in good-faith a tribal-state compact regulating gambling activities on Indian lands.</p>
Pyramid Schemes	Prohibited under consumer protection/fraud statutes.	<p>No minimum investment required.</p>
Slot Machines	Prohibited.	<p>A toll free number established by the commissioner of human services must be posted around ticket sales for pari-mutuel betting. The commissioner must also establish a program for the treatment of compulsive gamblers. Minn. Stat.</p>
*Compulsive Gambling	<p>Governor must report to the legislature by Feb. 1 of each odd-numbered in addressing the problem of compulsive gambling.</p>	<p>245.98 (1995).</p>
Forfeiture of Illegal Gambling Proceeds	<p>Contraband subject to forfeiture by "seizing authority" (commissioner, sheriff or police officer).</p>	

Slot machines Prohibited.

## Mississippi Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
Bingo	\$50 annual license fee payable to the Miss. Gaming Commission. Special license issued for limited emergency fund-raising purposes. Games limited to 2 sessions per calendar year, total amount of prizes awarded not to exceed \$15K per year.	Games limited to 2 sessions per day, no more than 8 sessions per week. If games conducted only once a week, sessions may be up to 6 hours per day. Games must be conducted by religious, charitable or other nonprofit organization. Bingo facilities located within 1,500 feet of a public school are prohibited from conducting games during school hours.
State Lottery	Prohibited.	Subject to \$5-\$25 fine, up to 10 days imprisonment.
Riverboat gambling	Two-step licensing application: background investigation for privilege license of applicant (\$5K) & separate certificate of suitability for each cruise vessel (\$5K). Applicants must post a \$250,000 surety bond to the State Tax provision for the faithful performance of all requirements imposed by law.	Cruise ship must carry at least 200 passengers. Each licensed cruise vessel must pay a boarding fee of \$3.50 per passenger to the commission. Of this fee, 60% shall be retained by the state, 20% shall be returned to the port county, & 20% shall be returned to the municipality of the port.
Casinos	Permitted on riverboat gambling vessels.	Gaming commission has authority to compel casinos to conform their activities to municipal ordinance limiting hours of operation.
Pyramid Schemes	Prohibited.	No minimum investment required.
Slot Machines	May be permitted at circuses, shows, theaters, & other amusements. Miss. Code Ann. 21-19-33 (1995).	Defense to prosecution if slot machine is "antique" -- over 25 years old -- and not operated for gambling purposes while in owner's possession. Miss. Code Ann. 27-27-12 (1995).
Forfeiture of Illegal Gambling Proceeds	Proceeds forfeited to state.	

## Missouri Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
Bingo	\$50 annual licensing fee to the director of the gaming commission. Special \$10 license fee payable if annual revenues less than \$5K and less than \$100 per day. Special license granted for festivals & special occasions.	Prizes limited to \$500 per game, total amount per session not to exceed \$3,600. Must be 16 years old to play. Games must be conducted by a bona fide religious, charitable, fraternal, veteran or service organization.
State Lottery	Exclusive permit by statute.	Only legally permitted lottery in state.
Card Clubs	Prohibited.	Commissioner must report gambling activity to state prosecutors.
*Compulsive Gambling	Funding recently allocated for the purpose of fund treatment for compulsive gamblers. 1995 MO House Bill 10.	
Pyramid Schemes	Prohibited.	No minimum investment required.
Slot Machines	Prohibited.	Defense to prosecution if slot machine is "antique" -- over 30 years old and not operated for gambling purposes while in owner's possession.
Forfeiture of Illegal Gambling Proceeds	Gambling devices and proceeds subject to forfeiture by any police officer and forfeited to the state.	Proceeds shall be deposited into the school fund of the county.
*Riverboat gambling	Gambling permitted only on Mississippi & Missouri rivers.	Applicant must demonstrate by "clear and convincing evidence" financial responsibility. Vessels must resemble, as nearly as practicable, the home dock city or county's riverboat history.

## Montana Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
		Prizes limited to \$100 per game. Games must be conducted by nonprofit

Bingo	\$250 annual licensing fee.	charitable organizations. *Video bingo machines permitted; prizes limited to \$800 per game.
State Lottery	Exclusive permit by statute.	Only legally permitted lottery in state.
Card Clubs	Permitted on Indian lands.	
Casinos	Legislative purpose of the Montana card games act is to ban casino-type gambling.	\$25 casino night fundraising permits available for charitable organizations.
Pyramid Schemes	Prohibited.	No minimum investment required.
Slot Machines	\$50 license required for antique slot machine distributor to sell more than 3 machines per year.	
Forfeiture of Illegal Gambling Proceeds	Proceeds forfeited to a special law enforcement assistance account.	
*Compulsive Gambling	Public policy to provide assistance to compulsive gamblers and their families. Mont. Code Anno., 23-5-110 (1995).	
*Indian Gambling Regulations	Governor must receive consent of the tribal council or other governing body of the Confederated Salish & Kootenai Indian tribes or any other community, band, or group of Indians in this state, expressing its desire that its people & lands be subject to the criminal or civil jurisdiction, or both.	The term "the people", as used in Art. III, sec. 9, Mont. Const., is synonymous with the voters of the entire State of Montana & not the voters of a local government unit. Therefore, the Legislature or "the people" of the entire state are the only two groups empowered to legalize forms of gambling in this state. <i>See Anaconda-Deer Lodge County v. Lorello, 181 M 195, 592 P2d 1381 (1979).</i>

## Nebraska Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
	\$50 annual license fee payable to the	Aggregate amount of prizes per day limited to \$4K. Games must be conducted by a nonprofit charitable, benevolent, humane, religious, philanthropic, youth sports, educational, civic, or fraternal activity

Bingo	State Treasurer for credit to the Charitable Gaming Operations Group.	organizations conducted for the benefit of its members. Must be 18 years old to play, except that any person may play bingo at a limited period bingo or special event bingo if (1) no alcoholic beverages are served and (b) no prize or prizes to be awarded exceed \$25 in value per game. R.R.S. Neb. 9-241.08 (1995).
State Lottery	Exclusive permit by statute authorized under the Nebraska Lottery Act.	*Unless a lottery is conducted and operated within the specific limits and terms of a statutory authorization, it is illegal. <i>See State v. City Betterment Corp.</i> , 197 Neb. 575 (1977).
Card Clubs	Prohibited.	
Slot Machines	Prohibited as gambling devices when designed for the purpose of playing games of chance for money. <i>See Glasgow v. State</i> , 147 Neb. 279 (1946).	
Pyramid Schemes	Prohibited under the Uniform Deceptive Trade Practices Act. R.R.S. Neb. 87-301 (1995).	No minimum investment required.
Forfeiture of Illegal Gambling Proceeds	Any money used as a bet or stake in gambling activity in violation of any provision of this article, shall be forfeited to the state. R.R.S. Neb. 28-1111 (1995).	Money shall be restored to the owner unless it was used in unlawful gambling or lotteries or it was used or intended to be used to facilitate a violation of Chapter 28, article 4, in which case the money shall be forfeited and disposed of as required by Article VII, section 7, Constitution of Nebraska.

## Nevada Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
	Charitable bingo games do not require a gaming license if: (1) the organization is approved by the executive director and all prizes offered in a single calendar year do not exceed \$500K; or (2) the	Games must be conducted for "charitable or nonprofit activity" -- any activity in support of the arts,

Bingo	<p>organization registers with the executive director and the total value of all prizes offered in a single calendar year do not exceed \$500K; or (3) the total value of prizes offered does not exceed \$2,500 per calendar quarter. NRS 463.4094 (1995).</p> <p>*Free bingo operated by a gambling establishment must be licensed as a gambling game, but is not a lottery. Attny Gen. Op. 110 (10-23-1951).</p>	<p>amateur athletics, peace officers or health or social services, or conducted for any benevolent, civic, educational, eleemosynary, fraternal, humanitarian, patriotic, political or religious purpose, including the operation of a qualified organization. NRS 463.4092 (1995).</p>
State Lottery	<p>Exclusive permit by statute. Charitable lotteries also exist. According to NRS 462.015 (1995), the legislature hereby finds and declares to be the public policy of the state that ... (1) the operation of charitable lotteries by bona fide charitable and nonprofit organizations is beneficial to the general welfare of the residents of this state.</p>	<p>Under the statutory definition of a lottery, 3 basic elements must coexist to create a lottery: (1) a prize consisting of some form of property; (2) distributed by chance; (3) among individuals who have paid or promised to pay some form of consideration. Attny Gen. Op. 83-6 (6-29-1983).</p>
Casinos	<p>According to NRS 463.0129, the legislature finds and declares to be the public policy of the state that ... (a) the gaming industry is important to the economy of the state and general welfare of the inhabitants; (b) continued growth and success depends upon the public trust that licensed gaming is conducted honestly and competitively, the rights of creditors is protected and gaming is free from criminal and corrupt elements.</p>	<p>Must be 21 yrs old to play or even loiter around premises. NRS 463.350 (1995). Regulated by the Nevada Gaming Commission.</p>
Slot Machines	<p>Permitted and special "slot machine tax" is levied. NRS 465.080 prohibits cheating with respect to slot machines.</p> <p>*Pinball machines from which money can be won are slot machines and must be licensed, and persons under 21 are prohibited from playing them or loitering about the premises where they are located. Attny Gen. Op. 230 (6-27-1961).</p>	<p>The commission may, by regulation, authorize a person to own or lease slot machines for the limited purpose of display or use in the person's private residence without procuring a state gaming license. NRS 463.160 (1995).</p>
Pyramid Schemes	<p>Prohibited under Title 52, Chapter 598, Deceptive Trade Practices. Nev. Rev. Stat. Ann. 598.0903 to 598.0999.</p> <p>Proceeds subject to forfeiture to the</p>	

Forfeiture of Illegal Gambling Proceeds state and detailed statutory scheme applies; ultimately, court of law decides which "special fund" account to apply moneys seized. NRS 179.118 (1995).

## New Hampshire Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
Bingo	No more than 1 license shall be issued per month, and the license shall permit no more than 10 game dates of bingo per month. Directors or officers of charitable organization must submit license application to the commission. Qualified charitable organization must submit a financial report to commissioner within 15 days of expiration of license. RSA 287-E:9 (1995).	Qualified organizations must maintain a separate checking account for the deposit and disbursement of all income relating to bingo; all expenses are to be paid by check and all prizes above \$500 are to be paid by check. RSA 287-E:9 (1995). Games must be conducted by a "charitable organization" -- meaning, any nonprofit organization, association or corporation including any police, firemen's, veterans', civil, fraternal or church organization holding or eligible to receive an IRS nonprofit organization number.
State Lottery	Exclusive permit by statute.	Regulated by the state lottery or sweepstakes commission. Must be 18 years old to play. RSA 287-F:8 (1995).
*Cruise ships	Gambling permitted on cruise ships (any vessel capable of providing overnight accommodations for 500 or more people) whose primary purpose is touring. Any such cruise ship shall be allowed to temporarily enter New Hampshire coastal waters and ports for up to 48 hours, provided that all gambling machines on board are not in use or capable of being used while in New Hampshire coastal waters and ports. RSA 647:2 (1995).	
Slot Machines	Prohibited (except as permitted on cruise ships).	Defense to prosecution if slot machine is at least 25 years old, in the possession of a collector and is not maintained or operated for gambling purposes while in owner's possession. RSA 647:2 (1995).  Whenever attorney general has reason

Pyramid Schemes	Prohibited and no minimum investment required.	to believe that chain distribution scheme is being conducted, s/he may bring an action in the name of the state against such person and may seek a temporary restraining order. If violations have occurred, the court shall order to the state civil penalties of up to \$10K for each such violation. RSA 358-B:4 (1995).
Forfeiture of Illegal Gambling Proceeds	Proceeds subject to forfeiture by the state and the attorney general, upon conviction, shall determine its disposition. RSA 149-M:11-c (1995).	

### New Jersey Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
Bingo	Special licenses available. Senior Citizen organizations exempt from licensing requirements. Must be 18 years of age to play. Licenses may be revoked for "unlawful conduct" and violations of licensing provisions.	Prizes limited to \$250 per game, aggregate value not to exceed \$1000 per session. Games must be conducted by nonprofit organizations including bona fide veterans, religious, charitable, educational & fraternal organizations, civic and service clubs, senior citizen associations, volunteer fire companies, and volunteer first aid or rescue squads. Rule promulgated by the Legalized Games of Chance Control Commission. N.J. Stat. 5:8-25 (1994). Games may not be conducted on Sundays -- the first day of the week -- unless license authorizes games to the contrary.
State Lottery	Exclusive permit by statute and constitutional amendment.	Only legally permitted lottery in state. Entire net proceeds are to be used for State institutions and for State aid for education.
Card Clubs	Generally prohibited except at Atlantic City Casinos.	Card games for amusement purposes only permitted at festivals. N.J. Stat. 5:8-113 (1994).
*Gambling Houses/Casinos	Permitted in Atlantic City, Atlantic County.	
Pyramid Schemes	Prohibited.	No minimum investment required.
	Permitted in Atlantic City casinos. Casino licensee must certify	

Slot Machines	it will use designates machine in its casino and the commission shall regulate and establish technical standards for licensure of slot machines.	Lawful to own one slot machine for "social purposes" within the home. Defense to prosecution if slot machine is "antique" -- built before 1941 -- and was not operated for gambling purposes while in owner's possession.
Forfeiture of Illegal Gambling Proceeds	Proceeds may be seized by the state or any law enforcement agency.	No property right exists for illegal gambling devices. N.J. Stat. 2C:64-1 (1994).

## New Mexico Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
Bingo	\$100 annual license fee. Licensees may conduct up to 260 games per year. Bingo games for profit may not be prohibited at the state fair.	Aggregate amount of prizes offered per session limited to \$1,500. Games must be conducted by a 501(c) nonprofit "charitable organization" -- any organization, not for pecuniary profit, which is operated for the relief of poverty, distress or other condition of public concern in New Mexico, including religious, charitable, labor, environmental, fraternal, educational or veterans' organization -- which has been continuously in existence for 3 years prior to license application.
State Lottery	Exclusive permit by statute.	Lottery directors are required to conduct a continuous study of other state lotteries to improve the efficiency, profitability and security of the authority and the lottery. N.M. Stat. Ann. @ 6-24-7 (1995).
Card Clubs	Card games prohibited when something of value is exchanged.	
Casinos	Prohibited.	
Pyramid Schemes	Prohibited. Violators are subject to civil penalties which shall be deposited in the state treasury in a fund designated as the "Pyramid Promotional	Given the potentially deceptive nature of pyramids, there is a valid state interest in their regulation, and any infringement on first amendment rights to free speech and assembly is both negligible and subordinate. <u>State ex rel.</u>

Schemes Act  
Restitution Fund"  
administered by the  
Attorney General.

Stratton v. Sinks, 106 N.M. 213.

Slot Machines	Prohibited.	Where the element of chance is missing, slot machines converted into vending machines which sell souvenir tokens are not considered gambling devices. 1972 Op. Att'y Gen. No. 72-39. Defense to prosecution if slot machine is 25 years old, in substantially original condition and not used for gambling purposes while in owner's possession.
Forfeiture of Illegal Gambling Proceeds	Proceeds subject to forfeiture to the county treasurer to be deposited to the state public school fund.	Illegal gambling devices may be seized by any law enforcement agency and subject to destruction upon petition by district attorney to the presiding county judge.
*Compulsive Gambling	The State Lottery shall set aside up to 2% of gross annual revenues dedicated to addressing problems of compulsive gamblers. Any balance over \$50K per year shall be transferred to the lottery tuition fund.	

## New York Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
Bingo	\$25 permit required to sell bingo equipment and supplies to authorized charitable organizations. Licenses must be conspicuously displayed at all times during the conduct of bingo games. No more than \$5 may be charged by licensee for admission to bingo games. Charge for each game limited to \$.25. No alcoholic beverages may be served during bingo games.	Prizes limited to \$1,000 per game, total aggregate amount not to exceed \$3,000. Games must be conducted by an "Authorized organization" -- any bona fide religious, charitable, educational, fraternal, civic, veterans, volunteer firefighters, or volunteer ambulance workers organization.
State	Exclusive permit by statute and	Only legally permitted lottery in state. Net proceeds to benefit

Lottery	constitutional amendment.	New York public schools.
Card Clubs	Prohibited.	
Casinos	Prohibited.	
Pyramid Schemes	Prohibited.	No minimum investment required.
Slot Machines	Prohibited.	Permitted if slot machine offers free play (something other than value) for prize.
Forfeiture of Illegal Gambling Proceeds	Proceeds forfeited to the state.	
*Compulsive Gambling	Compulsive gambling means an impulse control disorder, as defined by the most recent edition of the diagnostic and statistical manual of mental disorders (DSM), published by the American Psychiatric Association.	The office of mental health is responsible for developing programs to help compulsive gamblers. NY CLS Men Hyg @ 7.07 (1995). 8 1/2" x 11" signs must be posted conspicuously in all legal gambling facilities.

## North Carolina Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
Bingo	All funds received in conjunction with a bingo game shall be placed in a separate bank account. All net proceeds shall be used for the underlining purpose of charitable organization. N.C. Gen. Stat. 14-309.11 (1995).	Games limited to 2 sessions per week, each session not to exceed 5 hours. No two bingo sessions shall be held within 48 hours of each other and no two bingo games shall be held in the same building per week. Games must be conducted by bona fide, nonprofit, tax-exempt charitable, civic, religious, fraternal, patriotic or veterans' organization, volunteer fire department, volunteer rescue squad or bona fide homeowners' or property owners' association. N.C. Gen. Stat. 14-309.6 (1995).
State Lottery	Exclusive permit by statute.	Only legally permitted lottery in state.
Card Clubs	Prohibited and considered an illegal "game of chance." <i>See State v. Taylor</i> , 111 N.C. 680 (1892).	

Slot Machines	Prohibited.	Defense to prosecution if slot machine was manufactured 25 years ago and was not used for gambling purposes while in owner's possession. If court determines that the defense has been proved, the slot machine shall be returned immediately to the defendant. N.C. Gen. Stat. 14-309.1 (1995).
Pyramid Schemes	Prohibited and no minimum investment required. Violators guilty of a class 2 misdemeanor. N.C. Gen. Stat. 14-291.2 (1995).	"Pyramid distribution plan" means any program utilizing a pyramid or chain process by which a participant gives a valuable consideration for the opportunity to receive compensation for things of value in return for inducing other persons to become participants in the program. N.C. Gen. Stat. 14-291.2 (1995).
Forfeiture of Illegal Gambling Proceeds	All property derived through racketeering activity is subject to forfeiture to the State through civil action. N.C. Gen. Stat. 75D-5 (1995).	

### North Dakota Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
Bingo	\$150 annual fee payable to state attorney general. \$50 license fee payable to the attorney general for permit to operate bingo games at fairs/festivals. Must apply at least 30 days in advance. Licensee guilty of a misdemeanor if she knowingly provides false information. License suspended for 2 years for misconduct.	Prizes limited to \$1000 per game, aggregate amount not to exceed \$6,000 per session. Games must be conducted by nonprofit organization recognized as a public spirited organization by the governing body of a city or county. If the organization is a North Dakota College fraternity or sorority, applicant must also include a signed certificate from university administrators recognizing charter.
State Lottery	Prohibited.	*Class A misdemeanor to possess an out-of-state lottery ticket, even when ticket sales in other jurisdictions are legal.
Card Clubs	Prohibited.	Card activities permitted in private homes.
Casinos	Prohibited.	
Pyramid Schemes	Prohibited.	No defense to prosecution if plan limits number of participating members.

Slot Machines	Prohibited.	Defense to prosecution if machine is 25 years old and not used for gambling purposes while in owner's possession.
Forfeiture of Illegal Gambling Proceeds	Constitutional to destroy seized gambling devices.	

## Ohio Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
Bingo	\$100 license fee per year payable to the state Attorney General; temporary permit awarded unless an objection is raised 30/days.	Prizes limited in amount to no more than \$3,500 per session. Games may only be conducted by charitable organizations meaning any tax exempt religious, educational, veteran's, fraternal, service, nonprofit medical, volunteer rescue service, volunteer firemen's, senior citizen's, youth athletic, or youth athletic park organization -- an organization, except a volunteer rescue service or volunteer firemen's organization, shall have been in continuous existence as such in this state for a period of two years.
State Lottery	Exclusive permit by statute.	Only legally permitted lottery in state.
Card Clubs	Limited gaming.	Festivals conducted by charitable organizations for a period of four consecutive days or less and not more than twice a year or once a year for a period of not more than five consecutive days (includes more extensive, Las Vegas-style gaming activities).
Slot Machines	Permitted at festivals and licenses granted for periods not to exceed 4 consecutive days/twice a year or 5 consecutive days/once a year.	Gaming device as long as device makes prize available.
Pyramid Schemes	Prohibited.	Prohibited if individual investments exceed \$25 annually.

## Oklahoma Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
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Bingo	<p>Every district court clerk shall be authorized to issue a license to conduct bingo games to any "qualified organization." Applicants must have been in existence and operating as a nonprofit organization for not less than 2 years prior to applying for a license. Games are regulated by the Oklahoma Charity Games Act.</p>	<p>Games must be conducted by a religious, charitable, labor, fraternal, educational organization, or veterans' or firemen's organization which operates without a license and is tax-exempt. 21 Okl. St. 995.1 (1995).</p>
State Lottery	<p>Prohibited.</p>	<p>Every person who sets up a lottery is punishable by a fine equal to double the amount of the whole value for which such lottery was made, and if such amount cannot be ascertained, then, by imprisonment in the state prison not exceeding 2 years or by imprisonment in a county jail not exceeding 1 year, or by a fine of \$2,500 or both such fine and imprisonment. 21 Okl. St. 1053 (1995).</p>
Card Clubs	<p>Prohibited.</p>	<p>Except as provided in the Oklahoma charity games act, every person who opens ... any gambling game played with ... cards... shall be guilty of a felony and upon conviction, shall be fined not less than \$500 no more than \$2K, and by imprisonment in the State Penitentiary for a term of 1 to 10 years. 21 Okl. St. 941 (1995).</p>
Slot Machines	<p>Prohibited. Upon conviction, owner subject to \$25-\$100 fine and/or up to 30 days in jail. 21 Okl. St. 944 (1995).</p>	<p>Defense to prosecution if machine is 25 years or older and is not used for gambling purposes or if machine is used for the purpose of teaching slot machine repair and is not used for gambling purposes. 21 Okl. St. 964 (1995).</p>
Pyramid Schemes	<p>Prohibited. Upon conviction, violators shall be punishable by a fine of not more than \$10K or by imprisonment in the State Penitentiary for not more than 10 years, or both. 21 Okl. St. 1073 (1995).</p>	<p>"Pyramid promotional scheme" means any plan or operation by which a participant gives consideration for the opportunity to receive compensation which is derived primarily from the person's introduction of other persons into the plan. 21 Okl. St. 1072 (1995).</p>
Forfeiture of Illegal Gambling Proceeds	<p>Proceeds forfeited to the sheriff to be deposited in the county court fund while awaiting district court order. 21 Okl. St. 943 (1995).</p>	

## Oregon Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
Bingo	Fee payable to the Department of Justice. Operating expenses may not exceed 15% of handle amount. Total handle amount per year may not exceed \$1Mil.	Prizes limited to \$750 per game. Games must be conducted by charitable, fraternal or religious organizations.
State Lottery	Exclusive permit by statute and constitutional amendment.	Only legally permitted lottery in state. Net proceeds used to benefit funding for elementary and secondary education. The use of a portion of the net proceeds from the operation of the state lottery funds under section 4 (3), Article XV of the Oregon Constitution and ORS 461.510 creates jobs and furthers economic development. ORS 327.310 (1994).
Card Clubs	Prohibited.	
Casinos	Prohibited.	
Pyramid Schemes	Prohibited.	No minimum investment required.
Slot Machines	Prohibited.	Defense to prosecution if slot machine was built before 1963 and was not operated for gambling purposes while in owner's possession.
Forfeiture of Illegal Gambling Proceeds	Proceeds shall be deposited with the state treasurer to the credit of the common school fund.	
*Indian Gaming Regulatory Act	1988 Act permits gambling activities on tribal land.	

## Pennsylvania Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
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Bingo	<p>\$100 annual license fee; annual fee for senior citizen's groups is \$50. \$15 special license fee for associations that conduct bingo for only one period each year and for not more than 3 consecutive days. 10 P.S. 305 (1994). Except for residents of senior citizen housing projects, organizations must have been in existence continuously for 2 years prior to application.</p>	<p>Prizes limited to \$250 per game; jackpot games limited to \$2K per game; aggregate value of prizes per calendar day limited to \$4K. Must be 18 years old to play. Games must be conducted by qualified nonprofit charitable organizations.</p>
State Lottery	<p>Exclusive permit by statute. Only legally permitted lottery in state.</p>	<p>*For any winner of more than \$2,500, the Department of Revenue shall request the Department of Public Welfare to make all reasonable efforts to determine if the winner is a delinquent support obligor prior to making any lottery winnings payment. If winner is so found, amount of arrearages shall be paid to obligee before making lottery winning disbursements. 23 Pa.C.S. 4308 (1995).</p>
Card Clubs	<p>Prohibited.</p>	
Slot Machines	<p>Prohibited.</p>	<p>Defense to prosecution if defense shows by a preponderance of the evidence that machine was manufactured prior to 1941 and that it was not used or attempted to be used for unlawful purposes. If defense is successful, antique slot machine shall be returned to owner. 18 Pa.C.S. 5513 (1995).</p>
Pyramid Schemes	<p>Prohibited under Unfair Competition Acts or Practices. 73 P.S. 201-2 (1995).</p>	<p>No minimum investment required.</p>
Forfeiture of Illegal Gambling Proceeds	<p>Proceeds and all gambling devices shall be seized and forfeited to the Commonwealth. 18 Pa.C.S. 5513 (1995).</p>	

## Puerto Rico Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
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Bingo		
Lottery	Exclusive permit by statute.	Only legally permitted lottery in territory.
Card Clubs	Prohibited.	Owner must engage in gambling activity, not just possess card paraphernalia, to be convicted of illegal gambling.
Casinos	Permitted. Tourist company must apply for a license authorized by the secretary of the Treasury.	Las Vegas-style gambling permitted at resort hotels.
Pyramid Schemes	Prohibited.	No minimum investment required.
Slot Machines	Permitted in the gaming rooms of tourist hotels.	As a means of control, the Tourist Company is authorized to regulate and inspect slot machines. Company shall submit an annual report and evaluation to the Legislature during the first thirty (30) days of each regular session, with regard to the impact of the slot machine legislation on the hotel sector and the Tourist industry. 15 L.P.R.A. @ 71 (1991). Proceeds deposited in a separate account.
Forfeiture of Illegal Gambling Proceeds	Subject to forfeiture to the state.	

### Rhode Island Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
Bingo or "Beano"	<p>\$5 annual license fee given to qualified charitable organization.</p> <p>*Senior citizens housing project organization may conduct own bingo games; total daily prizes not to exceed \$400 and shall be open only to senior citizens who are residents of the housing project where the game is held. Bingo games shall be limited to 3 days per calendar week. R.I. Gen. Laws 11-19-32.1 (1995).</p>	<p>*Prizes limited to \$4,250 in any one night if conducted in a smoking facility and \$6,050 if conducted in a nonsmoking facility (emphasis added). R.I. Gen. Laws 11-19-32 (1995).</p> <p>The lotteries shall be under the</p>

State Lottery	Exclusive permit by statute. Only legally permitted lottery in state.	immediate supervision and direction of a director who is appointed by the governor with the majority approval of the commission and is to serve at the pleasure of the commission. R.I. Gen. Laws 42-61-3 (1995).
Card Clubs	Prohibited.	
Slot Machines	Prohibited. Punishable by a fine of not more than \$100 and/or imprisonment for not more than 30 days. R.I. Gen. Laws 11-18-21 (1995).	
Pyramid Schemes	Prohibited. R.I. Const. art. 6, 15 (1995).	
Forfeiture of Illegal Gambling Proceeds	Gambling apparatus of devices found by any officer in executing a search warrant or which shall be produced and brought into court shall be forfeited to the state, and upon final judgment of forfeiture shall be destroyed by order of the court. R.I. Gen. Laws 11-19-24 (1995).	Proceeds shall be held by the general treasurer in a separate account until such time as an allocation is determined by agreement of the agencies or by the presiding justice. It shall be the duty and responsibility of the general treasurer to disburse the allocated funds from the separate account to the respective law enforcement agencies. R.I. Gen. Laws 11-19-24 (1995).

### South Carolina Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
Bingo	License fee payable to the South Carolina Department of Revenue and Taxation. Licenses divided by revenue generated per year in bingo games entitled: Class AA, B, C, D, and E. S.C. Code Ann. 12-21-3440 (1993).	Qualified organization must keep a separate "bingo checking" and interest-bearing "savings account." Checks must be imprinted with the words "Bingo account" and must contain the organization's bingo license number on the face of the check. S.C. Code Ann. 12-21-3490 (1993).
State Lottery	Exclusive permit by statute.	Only legally permitted lottery in state.
Card Clubs	Prohibited. S.C. Code Ann. 16-19-40 (1993).	
Slot	Prohibited. A slot machine which awards free games contingent upon the score	

Machines	recorded is an illegal gambling device. <i>See Alexander v. Martin</i> , (1939) 192 SC 176.
Pyramid Schemes	Prohibited and considered to be an unfair trade practice pursuant to 39-5-20 (a) of the South Carolina Unfair Trade Practices Act of 1971.
Forfeiture of Illegal Gambling Proceeds	Proceeds subject to forfeiture to the state.

### South Dakota Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
Bingo	Municipalities - require 30 days written notice of time and place without objection.	Prizes limited in amount to no more than \$2,000 per session. Games may be conducted only by bona fide congressionally chartered veterans organization; a religious, charitable, educational or fraternal organization; a local civic or service club; a political party; a volunteer fire department; or a political action committee or political committee on behalf of any candidate for a political office.
State Lottery	Exclusive permit by statute.	Only legally permitted lottery in state.
Card Clubs	Limited card games within the city limits of Deadwood City.	Special fund maintained pursuant to restoration and preservation of historical Deadwood City.
Slot Machines	Limited to Deadwood City.	Defense to prosecution if slot machine is over 25 years of age and not operated for gambling purposes when in defendant's possession.
Forfeiture of Illegal Gambling Proceeds	Proceeds forfeited to public schools.	

### Tennessee Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
	Qualified organization must obtain license in order to conduct charity bingo games.	Games must be conducted by

Bingo	See Tenn. Code Ann. 62-33-100 to 120 (1995).	qualified nonprofit, charitable bingo operations.
State Lottery	Prohibited.	A person who possesses or owns an out-of-state lottery ticket is exempt from prosecution if the person did not possess or own the ticket for the purpose of resale. See Tenn. Code Ann. 39-17-505, 506 (1995).
Card Clubs	Prohibited.  Prohibited.	
Slot Machines	A mint vending machine, which, in addition to delivering a package of mints for the customer's coin, emitted checks or chips, varying from two to twenty, of use only in playing a game which was a part of the vending machine, was a gaming device. See <i>Painter v. State</i> , 163 Tenn. 627, (1932).	
Pyramid Schemes	Prohibited as an unfair or deceptive act, Tenn. Code Ann. 47-18-104 (1995). and considered illegal "gambling" under Tenn. Code Ann. 39-17-501,502, 506 (1995).	
Forfeiture of Illegal Gambling Proceeds	Proceeds subject to the general funds of the state and the general funds of the political subdivision or other public agency, in any, whose officers made the seizure, except as otherwise provided by law. Tenn. Code Ann. 29-3-101 (1995).	

## Texas Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
Bingo	Organization must be licensed under the Bingo Enabling Act (Article 179d, Vernon's Texas Civil Statutes) and must have been organized within Texas for at least 3 years. See Tex. Rev. Civ. Stat. art. 179d (1996).	Games must be conducted by nonprofit charitable organizations. Licensed organization may not offer an alcoholic beverage as a bingo prize or as a door prize at a bingo occasion.

\*The toll-free "800" number operated

State Lottery	Exclusive permit by statute.	by the Problem Gamblers' Helpline of the Texas Council on Problem and Compulsive Gambling must be prominently displayed on each card-mining device and ticket or pull-tab dispenser. See Tex. Rev. Civ. Stat. art. 179d (1996).
Card Clubs	Prohibited as unlawful gambling. See Tex. Penal Code 47.02 (1996).	
Slot Machines	Prohibited.	No defense to prosecution found.
Pyramid Schemes	Prohibited as a deceptive trade practice. See Tex. bus. & Com. Code 17.46 & 17.461 (1996).	No minimum investment required.
Forfeiture of Illegal Gambling Proceeds	Upon court order, proceeds subject to forfeiture to the state and court shall transmit them to the grand jury of the county in which moneys were seized for use in investigating violations of the Penal code. See Tex. Code. Crim. Proc. art. 18.18 (1996).	

### Vermont Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
	Permitted.	
Bingo	*Charitable organizations may conduct "casino events" limited to not more than one casino even per calendar quarter or three casino events per calendar year, as long as there are at least 15 days between each event.	Games must be conducted by charitable organizations for religious, educational, civic or fraternal purposes. All net proceeds shall be used exclusively for charitable, religious, educational and civic undertakings after deducting reasonable expenses at fair market values.
State Lottery	Exclusive permit by statute. License fees are fixed by the commission and may not exceed \$15.00 per year.	The state lottery is conducted under the immediate supervision of a lottery director, an executive position. The state treasurer must create a separate lottery fund consisting of all proceeds from the sale of lottery tickets and from license fees and must make all investments of lottery fund moneys. No less than 50% of gross receipts shall be paid out

Card Clubs	Prohibited.	as prizes. A person who plays at cards . . . for money or other valuable in a common gaming or gambling house that is maintained for lucre and gain, shall be fined not more than \$200.00 or imprisoned not more than sixty days, or both. 13 V.S.A. 2133 (1995).
Slot Machines	Prohibited.	Defense to prosecution if machine was manufactured prior to 1954 and was not operated for gambling purposes while in owner's possession.
Pyramid Schemes	Prohibited.	
Forfeiture of Illegal Gambling Proceeds	Proceeds subject to forfeiture to the state.	A person charged with illegal gambling activities may, in lieu of appearance, post collateral (\$50), waive appearance before a Magistrate and consent to the forfeiture of collateral.

### Virginia Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
Bingo	Except for recently established volunteer fire and rescue companies or departments, the charitable organization must have been in existence and met on regular basis for a period of at least 5 years immediately prior to applying for a permit. All applications for a permit shall be acted upon within 60 days of filing. All permits shall be subject to reasonable regulation by the local governing body or its designated local office to ensure the public safety and welfare in the operation of bingo games and raffles.	Prizes limited to: \$25 per bingo door prize; \$100 per regular bingo or special bingo game prize; \$500 per instant bingo prize per single card; \$1,000 per bingo jackpot. Alcoholic beverages may not be served or consumed in the same room where bingo games are conducted. Games must be conducted by lawful religious, charitable, community or educational organizations. If gross receipts exceed \$50K per year, charitable organization must file an additional accounting of its receipts no later than 60 days following the last day of the quarter. If gross receipts exceed \$250K per year, organization must attach an opinion by a licensed independent C.P.A.
State Lottery	Exclusive permit by statute.	Only legally permitted lottery in state.
Card Clubs	Prohibited.	Pull-tab card which required a player to match symbols in perforated windows in order to be a "winner" were "gambling devices." See <i>Virginia ABC Bd. v. VFW</i>

Slot Machines	Prohibited.	<i>Ocean View Post-3160</i> 10 Va. App. 165.  A slot machine which will automatically return an award (i.e. a package of mint) equal to the retail value played and sometimes in addition thereto, is a "gambling device." Va. Code Ann. 18.2-311 (1995). See <i>Farris v. Jones</i> , 13 Va. L. Reg. (n.s.) 235 (1927).
Pyramid Schemes	Prohibited.  *Neither the dictionary definition nor the statutory definition of a "pyramid sales scheme" indicates that there must be a multi-layered vertical chain of compensation flowing to intermediate participants from the efforts of their recruits. See <i>Love v. Durastill of Richmond, Inc.</i> , 242 Va. 186 (1991).	Any person who contrives, prepares, sets up, operates, advertises or promotes any pyramid promotional scheme shall be guilty of a Class 1 misdemeanor. "Pyramid promotional scheme" means any program utilizing a pyramid or chain process by which a participant gives a valuable consideration for the opportunity to receive compensation or things of value in return for inducing other persons to become participants in the scheme. Va. Code Ann. 18.2-239 (1995).
Forfeiture of Illegal Gambling Proceeds	Lawfully seized proceeds are subject to forfeiture to the Commonwealth.	By court order upon conviction, the court shall make such disposition as it deems proper, including awards of property to any State agency or charitable organization for lawful purposes.

### Washington Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
Bingo	Yearly license required and issued by gambling commission, but no fee imposed. Renewal licenses may not be denied to a qualified applicant for the purposes of limiting amount of outstanding licenses or discrimination based upon race, sex, creed, color, or national origin.	Games must be conducted by a bona fide charitable or nonprofit organizations existing for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes. Games may be played at such organizations not more than 3 times per week. Gross revenues cannot exceed \$5,000 per year and all revenues must be devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization.
State	Exclusive permit by statute. In 1995, lotteries must be approved by 60% of each member of	Only legally permitted lottery in state allowed. License must be posted in plane view at ticket

Lottery	the house of legislature or by 60% affirmative vote of electors.	sales offices.
Card Clubs	"Professional gambling" prohibited.	"Social card games" permitted when hosted by bona fide charitable or nonprofit organizations.
*Compulsive Gamblers		State recognizes that compulsive gamblers are a problem and therefore authorizes resources for support services for compulsive gamblers, including a toll-free hot line number which shall be placed in the establishments of gambling licensees, horse racing licensees, and lottery retailers.
Pyramid Schemes	Prohibited.	
Slot Machines	Prohibited.	An inoperable slot machine is subject to confiscation and destruction as a gambling device, a public nuisance. <i>See In re Destruction of One Gambling Device</i> , 16 Wash. App. 859. Defense to prosecution if slot machine is an "antique" -- 25 years of age -- and not operated for gambling purposes when in defendant's possession.
Forfeiture of Illegal Gambling Proceeds	Proceeds forfeited to the state.	

### Washington, D.C. Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
Bingo	Regulated by the District of Columbia Charitable Games Control Board. Board may impose a fine up to \$1K for violations of its rules and regulations.	Games must be conducted by non-for-profit charitable organizations. Must be 18 years old to play.
State Lottery	Exclusive permit by statute and regulated by the District of Columbia Lottery and Charitable Games Control Board. The Board consists of 5 members who are appointed by the Mayor with the consent of the Council of the District of Columbia. Board members must be registered D.C. voters for 5 yrs prior to appointment and not be less than 21 years	

old. D.C. Code 2-2501 (1995).

Card Clubs

Prohibited. See D.C. Code 22-1506 (1995).

Slot Machines

Prohibited. See D.C. Code 22-1504 (1995).

Defense to prosecution if slot machine was manufactured before 1952, intended for exhibition or private use by the owner, and not used for gambling purposes.

Pyramid Schemes

Prohibited.

Minimum investment unknown.

Forfeiture of Illegal Gambling Proceeds

Proceeds subject to forfeiture and shall be made available for the use of any agency of the government of the DC, or otherwise disposed of as the Mayor of DC may, by order or by regulation, provide. See D.C. Code 22-1505 (1995).

## West Virginia Gambling Provisions

Gambling Activity

Licensure/Regulation

Conditions

Bingo

Organization must have been in existence for at least 2 years prior to application. Applications shall be made to the tax commissioner. See 1996 W.V. HB 4479.

Prizes may be money or merchandise other than beer, non intoxicating beer, wine, spirits or alcoholic liquor. Games must be conducted by "charitable or public service activity or endeavor."

State Lottery

Exclusive permit by statute and regulated by the State Lottery commission consisting of 7 members, one shall be a lawyer, one shall be a C.P.A., one shall be a computer expert, one shall have not less than 5 years in law enforcement and one shall be qualified as an expert in the field of marketing. See W. Va. Code 29-22-4 (1995).

Card Clubs

Prohibited.

General powers conferred upon every municipality and the governing body thereof to arrest, convict and punish any person for gambling ... or keeping any gaming table to

		be played with cards, dice, or otherwise. W. Va. Code 8-12-5 (1995).
Slot Machines	Prohibited.	No defense to prosecution found.
Pyramid Schemes	Prohibited.	No minimum investment required. See W. Va. Code 47-15-2,3,4,5,6 (1995).
Forfeiture of Illegal Gambling Proceeds	Proceeds may be seized by order of a court, or under the warrant of a justice [magistrate], and the money so seized shall be forfeited to the county and paid into the treasury of the county in which such seizure was made. W. Va. Code 61-10-1 (1995).	

## Wisconsin Gambling Regulation

Gambling Activity	Licensure/Regulation	Conditions
Bingo	\$5 licensing fee. No fee can be charged for admission to bingo facility. Exception: state may not enforce bingo laws on Indian reservations. See <i>Oneida Tribe of Indians of Wis. v. State of Wis.</i> F Supp. 712 (1981).	Prizes limited to no more than \$250 per gam; aggregate value of prizes at one bingo occasion may not exceed \$1,000, except by the amount resulting from the awarding of minimum prizes. Individual games limited to \$1 per ticket. Games must be sponsored by community-based residential facilities, senior citizen community centers, adult family homes, local religious, charitable, service, fraternal or veterans' organizations and organizations whose contributions are deductible for federal or state income tax purposes. May not be operated by a person who has been convicted of operating a gambling place within the past 5 years.
State Lottery	Exclusive permit by statute.	Only legally permitted lottery in state.
Card Clubs	Prohibited.	
Casinos	Prohibited.	An Iowa licensed river boat equipped with casino-style gambling games may be engaged in illegal commercial gambling if it enters Wisconsin waters.
Pyramid Schemes	Prohibited.	
Slot Machines	Prohibited as "Casino" style	Exception: video poker machines allowed when the machine itself does not provide a reward beyond free

	gambling.	replays.
Forfeiture of Illegal Gambling Proceeds	Proceeds forfeited to state general funds.	
Pari-mutuel, on-track betting	Permitted but the state may not own, operate or lease any state-owned land to operator for such purposes.	Race track operator must have approved state license which is regulated by statute according to number of races performed and amount of revenue generated. State has discretion to weigh communities' interest against race track interests.

## Wyoming Gambling Provisions

Gambling Activity	Licensure/Regulation	Conditions
Bingo	Charitable operations permitted. See Wyo. Stat. 6-7-101 (1995).	Games must be conducted by charitable or nonprofit organizations.
State Lottery	Exclusive permit by statute.	Only legally permitted lottery in state.
Card Clubs	Prohibited an all card-playing gambling contracts are void. See Wyo. Stat. 1-23-106 (1995), <i>Swinney v. Edwards</i> , 8 Wyo. 54, 55 P. 306 (1898).	
Slot Machines	Prohibited.	Defense to prosecution if slot machine is at least 25 years old and used only for display or personal amusement in the owner's residence, in public and private museums, in possession of a dealer or distributor of lawful gaming equipment or displayed at state or local historic sites. See Wyo. Stat. 6-7-101 (1995).
Pyramid Schemes	Prohibited. See Wyo. Stat. 40-3-102,103 (1995).	No minimum investment required.
Forfeiture of Illegal Gambling Proceeds	All gambling devices, gambling records and gambling proceeds are subject to seizure by any peace officer. See Wyo. Stat. 6-7-103 (1995).	

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## Notes

[1] California Department of Justice, Daniel E. Lungren, Attorney General, Growth in Gambling in California, 1 (1994) (citing Gaming & Wagering Business, July 15, 1993 - Aug. 15, 1993) [hereinafter Lungren]. \$300 billion figure refers to "Handle" amount; that is, amount of money actually wagered and not net profits. ([return to text](#))

[2] I. Nelson Rose, Gambling and the Law-Update 1993, 15 Hastings Comm/Ent L.J. 93, 97 (1992). ([return to text](#))

[3] Lungren, supra note 1, at 2. ([return to text](#))

[4] Rose, supra note 2, at 97. ([return to text](#))

[5] Lungren, supra note 1, at 3. Many states with a river or bay have legalized river boat casinos. Mississippi river boat casinos are not required to have engines or crews, as they are not required to leave their (often permanent) moorings. Rose, supra note 2, at 101. ([return to text](#))

[6] Lungren, supra note 1, at 3. ([return to text](#))

[7] Id. at 8. ([return to text](#))

[8] Id. ([return to text](#))

[9] Rose, supra note 2, at 97; Lottery Leads List of L.A. Radio Advertisers, L.A. Bus. J., June 4, 1990. ([return to text](#))

[10] Lungren, supra note 1, at 9. ([return to text](#))

[11] Id. ([return to text](#))

[12] Id. ([return to text](#))

[13] Id. at 20. The Attorney General's office has repeatedly advocated a comprehensive gaming control statute providing for the following features: (1) creation of a new state-level cardroom gaming commission with the power to grant, renew, and revoke licenses; (2) investigatory and enforcement powers vested in the Department of Justice's Gambling Control Division; (3) authority for the gaming commission to regulate minimum control standards for reporting, customer identities, cash value transactions, and auditing; and (4) a mechanisms for joint regulation of between the state and tribal governments of class III gaming activities. Id. at 21. ([return to text](#))

[14] Steve Scott, High Stakes Game: Special Interests Surround New Push to Regulate Gambling in California, Cal. J., Apr. 1995, at 8. ([return to text](#))

[15] Federal and the developed doctrines of tribal sovereignty do not allow state regulation of this type unless individual tribes consent. ([return to text](#))

[16] Scott, supra note 14, at 8. This estimate does not take into account recent legislative

activity. Current growth has been temporarily placed in stasis by a three-year, legislative moratorium on new cardroom licenses. The measure limits growth over the next three years to existing license-holders. ([return to text](#))

[17] Max Vanzi, Bill to Create Card Club Panel Appears Doomed, L.A. Times, Sept. 2, 1995, at A30. ([return to text](#))

[18] Lungren, *supra* note 1, at 14. ([return to text](#))

[19] Scott, *supra* note 14, at 9. Lungren perceives that given the strained situation of regulatory authority, the possibility is high for crime and organized crime to infiltrate the cardroom industry. ([return to text](#))

[20] *Id.* at 8. ([return to text](#))

[21] *Id.* at 9. The two greatest sources of influence come in the forms of municipal reliance on gambling-related tax revenue and the campaign contributions to local politicians. ([return to text](#))

[22] A.B. 11, Cal. Assembly, 1995-96 Regular Sess. (1994). ([return to text](#))

[23] Ray Sotero, Gannett News Service, Apr. 5, 1995. ([return to text](#))

[24] Jake Henshaw, Gannett News Service, Aug. 17, 1995. ([return to text](#))

[25] Scott, *supra* note 14, at 11. ([return to text](#))

[26] *Id.* at 10. ([return to text](#))

[27] Michele Fuetsch, Hollywood Park Looking for Investors to Operate Card Club, L.A. Times, Oct. 14, 1993, at B3. ([return to text](#))

[28] Past legislative measures have proposed a 10-mile radius. ([return to text](#))

[29] Hollywood Park Reports California Card Club Bill Signed into Law, PR Newswire, Aug., 4, 1995. The measure was largely passed due to the fact that the state's concerns over local social impact and traffic have been consequentially addressed by zoning existing track facilities. ([return to text](#))

[30] Scott, *supra* note 14, at 10. ([return to text](#))

[31] *Id.* ([return to text](#))

[32] *Id.* While tribes retain sovereign powers, they are protected by and subject to the United States federal government. ([return to text](#))

[33] For a more detailed discussion of Indian Gaming please see Indian Gaming in California by Richard Wilson, PLRI Reports June 1996. ([return to text](#))

[34] Lungren, *supra* note 1, at 10. Other estimates calculate that nationwide, Indian reservation casinos generate approximately \$3.9 billion annually in gross revenues. Glen Martin, Feud Unlikely to Slow Down Tribal Casinos, San Francisco Chron., Oct. 23, 1995, at A1. ([return to text](#))

[35] Id. at 12; Steve Wiegand, The Canvas Casino: California, Indian Tribes Battle over Gambling, Cal. J., Aug. 1993, at 25. ([return to text](#))

[36] Id. The Sycuan casino estimates 1.5 million visitors patronize their establishment each year. Gambling revenues also fund education scholarships for tribe members. ([return to text](#))

[37] The case revolved around the Cabazon tribe's right to conduct high-stakes bingo operations that did not conform to California's penal code regarding bingo regulation. ([return to text](#))

[38] 25 U.S.C. 2701-2721. ([return to text](#))

[39] 25 U.S.C. 2703. ([return to text](#))

[40] Max Vanzi, Lungren Praises U.S. Pledge to Crack Down on Tribal Casinos, L.A. Times, Aug. 17, 1995, at A3. ([return to text](#))

[41] Wiegand, supra note 34, at 27. ([return to text](#))

[42] The U.S. District Court for the Eastern District of California refused to determine whether California allows the operation of a slot machine in the form of the state lottery's game, Quick-Pick Keno. Rumsey Indian Rancheria v. Wilson, 1993 U.S. Dist. LEXIS 9877 (1993). The state concedes that if the lottery game is determined to be a slot machine device, then California would permit slot machines to be operated. ([return to text](#))

[43] Rumsey v. Wilson, 64 F.3d at 1257 (1994). The Rumsey decision is currently pending United States Supreme Court appeal. ([return to text](#))

[44] Id. at 1258; 1994 U.S. App. LEXIS 40832, at 13. ([return to text](#))

[45] Cheyenne River Sioux Tribe v. South Dakota, 3 F.3d 273 (8th Cir. 1993). ([return to text](#))

[46] 54 F.3d 5353, slip op. 4879 (1995). ([return to text](#))

[47] Sycuan v. Roach, 54 F.3d 535, slip op. at 4889 (citing 18 U.S.C. 1166(d)). ([return to text](#))

[48] Martin, supra note 33, at A1. ([return to text](#))

[49] Id. ([return to text](#))

[50] Id. ([return to text](#))

[51] Brad Hayward, Brown Takes Favorite's Role, Sacramento Bee, at A1. ([return to text](#))

[52] Capital Weekly summary of pending initiatives, January 8, 1996. ([return to text](#))

[53] Virtual casinos have been created in Europe and South America (Belize), where they are legal, yet their access is world-wide. ([return to text](#))

[54] Venture Tech Teams Up with Sports International Inc. To Fortify Internet Gambling

Security, Business Wire, Oct. 5, 1995. ([return to text](#))

[55] Id. Sports International handled over \$48 billion in wagers in its first year of operation. ([return to text](#))

[56] For additional sources, See Pat Doyle, New world of 'virtual' casinos faces real opposition: Critics say betting on the Internet violates federal law because gambling businesses use modems hooked to phone lines. But with businesses in foreign countries, enforcing the law is another matter. *The Star Tribune*, 27 November 1995; Dennis Camier & Keith White, Reality may soon catch up hype of Internet's virtual casinos, Gannett News Service, February 29, 1996; Better (or Bettor) Nation?, *The Christian Science Monitor*, July 7, 1995. ([return to text](#))

[57] The Field Institute, A Summary of Public Opinion About Legalized Gambling in California, California Opinion Index vol. 5, Aug. 1995. ([return to text](#))

[58] Id. ([return to text](#))

[59] Lungren, supra note 1, at 4. ([return to text](#))

[60] An asterisk "\*" indicates that a provision of state law is noteworthy or unique. ([return to text](#))