

# The Vermont Statutes

## Title 13: Crimes and Criminal Procedure

### *Chapter 51: GAMBLING AND LOTTERIES*

#### TITLE 13

#### Crimes and Criminal Procedure

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#### CHAPTER 51. GAMBLING AND LOTTERIES

#### Subchapter I. Lotteries

#### § 2101. Setting up, promoting or aiding

Except as provided in section 2143 of this title, a person who sets up or promotes a lottery for money or other property, or disposes of money or property by a lottery, and a person aiding or concerned in so doing, or who knowingly allows premises owned or occupied by him or her or under his or her control to be used for that purpose, or by persons raffling or using a game of chance for money or property, shall be imprisoned not more than one year or fined not more than \$10,000.00, or both, for the first offense and imprisoned not more than three years or fined not more than \$10,000.00, or both, for each subsequent offense. (Amended 1993, No. 183 (Adj. Sess.), § 4.)

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#### § 2102. Disposing of property by way of chance

Except as provided in section 2143 of this title, a person who sells or disposes of property by way of chance or, as an inducement to the sale of property, gives the purchaser or any other person other property to be drawn by way of chance or lottery shall be imprisoned not more than one year or fined not more than \$10,000.00, or both, for the first offense and imprisoned not more than three years or fined not more than \$10,000.00, or both, for each subsequent offense. (Amended 1993, No. 183 (Adj. Sess.), § 5.)

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**§ 2102a. Affirmative defense**

It shall be an affirmative defense to a charge under section 2101 or 2102 of this title that the person charged complied with the provisions of section 2143 of this title. (Added 1993, No. 183 (Adj. Sess.), § 6.)

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**§ 2103. Lottery tickets**

(a) A person shall not:

- (1) Sell a lottery ticket or an interest therein, or a paper purporting to be a lottery ticket or an interest therein;
- (2) Open or keep an office, shop or store for the purpose of selling or procuring a lottery ticket or paper or an interest therein;
- (3) Act as a broker or agent in buying, selling or procuring to be bought or sold or disposed of in any way such ticket or interest therein, or in effecting or in endeavoring to effect a contract in regard thereto;
- (4) Set up, exhibit or publish or cause to be set up, exhibited or published within this state written, printed or electronically communicated proposals to buy, sell or procure such ticket or interest therein.

(b) A person violating a provision hereof shall be fined not more than \$300.00.

(c) For purposes of this section, no internet service provider or provider of internet transport facilities shall be liable solely as a result of use of its facilities by a third party for a prohibited use without the provider's actual knowledge or express consent. (Amended 1999, No. 124 (Adj. Sess.), § 6.)

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2131. Repealed. 1961, No. 185, § 7.

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§ 2132. Repealed. 1979, No. 152 (Adj. Sess.).

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§ 2133. -At gaming house

A person who plays at cards, dice, tables or other game 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.

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**§ 2134. Keeping gambling instrument**

A person who has or keeps on premises owned or occupied by him implements or other things used in gambling and permits persons resorting to such premises to use such implements or things for the purpose of gambling shall be imprisoned not more than six months nor less than ten days or fined not more than \$500.00 nor less than \$10.00, or both.

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**§ 2135. Gambling machines-Sale, lease or rental**

(a) A person, corporation, copartnership or association shall not lease, rent, let on shares, sell, expose for sale or offer for sale:

(1) A machine, apparatus or device, into which may be inserted a piece of money or other object, and from which, as a result of such insertion and the application of physical or mechanical or electrical force, may issue with or without gum or confection, a piece of money, or slug, or a token, or a check or memoranda calling for money, credit or merchandise or property; or

(2) A coin or slot machine, pinball machine, racing machines or other device of like character, wherein there enters any element of chance, whether the same be played for money, checks, credits, merchandise or other thing representative of value; or

(3) A machine or device of any kind or nature by the use or operation of which there is an element of chance for the winning or losing of money or other things of value.

(b) The provisions of this chapter shall not apply to slot machines which were manufactured prior to 1954 and which are not operated for gambling purposes. (Amended 1985, No. 100 (Adj. Sess.), eff. Feb. 5, 1986.)

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#### **§ 2136. -Possession**

A person shall be punished as provided in section 2139 of this title who has in his possession, or under his control, or who permits to be placed, maintained or kept in a place of public resort or in premises occupied by him, or under his management or control a machine, apparatus or device as mentioned in section 2135 of this title.

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#### **§ 2137. -Seizure; hearing**

A sheriff, deputy sheriff, constable or police officer shall seize without a warrant any machine or device described in sections 2134 and 2135 of this title, found in a place of public resort. A sheriff or other officer making such a seizure shall forthwith make a complaint under oath, subscribed by him, to a district judge in the county in which such seizure is made and shall summon the owner or occupant of the place in which such seizure is made to appear before such court and show cause why such machine should not be destroyed. (Amended 1965, No. 194, § 10, operative February 1, 1967; 1973, No. 249 (Adj. Sess.), § 45, eff. April 9, 1974.)

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#### **§ 2138. -Destruction**

If, upon hearing, it is found that such machine was seized in a place of public resort, or was seized in any place by reason of a search warrant lawfully issued, the same shall be ordered destroyed and all money or other contents thereof forfeited to the state. The court shall issue its warrant to carry such order into effect.

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**§ 2139. -Penalties**

An association, copartnership, corporation or person who violates a provision of sections 2135-2138 of this title shall be fined not more than \$100.00 or be imprisoned not more than six months, or both.

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**§ 2140. Repealed. 1973, No. 249 (Adj. Sess.), § 111, eff. April 9, 1974.**

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**§ 2141. Winning or losing by gambling**

A person who wins or loses money or other valuable thing by play or hazard at any game, or by betting on such play or hazard, or sharing in a stake wagered by others on such play or hazard, shall be fined not more than \$200.00 nor less than \$10.00.

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**§ 2142. Repealed. 1979, No. 152 (Adj. Sess.).**

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**§ 2143. Nonprofit organizations**

(a) Notwithstanding the provisions of this chapter, a nonprofit organization, as defined in section 10201(5) of Title 32, may organize and execute, and an individual may participate in lotteries, raffles or other games of chance for the purpose of raising funds to be used in charitable, religious, educational and civic undertakings or used by fraternal organizations to provide direct support to charitable, religious, educational, or civic undertakings with which they are affiliated. Except as provided in subsection (d) of this section, gambling machines and other mechanical devices described in section 2135 of this title shall not be utilized under authority of this section.

(b) A nonprofit organization may, notwithstanding the provisions of Title 7, distribute or utilize alcoholic beverages as prizes, rewards, winnings in any lottery, raffle or other game of chance.

(c) A person shall not conduct a bingo game in which the numbers picked are communicated electronically or by satellite to players at another location.

(d) Casino events shall be limited as follows:

(1) A location may be the site of no more than:

(A) one casino event in any calendar quarter, or

(B) three casino events in any calendar year, as long as there are at least 15 days between each event.

(2) A nonprofit organization, as defined in 32 V.S.A. § 10201(5), may organize and execute no more than:

(A) one casino event in any calendar quarter; or

(B) three casino events in any calendar year, as long as there are at least 15 days between each event.

(3) For the purposes of this subsection, "casino event" means an event held during any 24-hour period at which any game of chance is conducted except those prohibited by 13 V.S.A. § 2135(a)(1) or (2). A "casino event" shall not include a fair, bazaar, field days, agricultural exposition or similar event which utilizes a wheel of fortune, chuck-a-luck or other such games commonly conducted at such events, or break-open tickets, bingo, a lottery or a raffle.

(e) Games of chance shall be limited as follows:

(1) All proceeds raised by a game of chance shall be used exclusively for charitable, religious, educational and civic undertakings after deducting:

(A) reasonable expenses, as determined by fair market value, of purchasing or renting materials and equipment used for the game of chance and of printing advertisements, and of the direct purchase of advertising through established media, such as newspapers, radio and television; and

(B) reasonable expenses, as determined by fair market value, for rent for the premises on which the game of chance is executed, except that rent paid prior to August 1, 1994, pursuant to a written lease in effect on June 1, 1994, and not subject to cancellation, may be deducted, whether or not such rent is reasonable, and repairs and upkeep to the premises for nonprofit organizations having ownership in premises; and

(C) prizes awarded to players as limited in subdivision (4) of this subsection; and

(D) payments to persons as limited in subdivision (2) of this subsection.

(2) A nonprofit organization that organizes and executes a game of chance shall not pay any person, and no person shall receive, any fee, commission, wage, salary, reward, tip, donation or other compensation in excess of \$2,000.00 in any calendar year for organizing or executing games of chance or for working at the site of a game of chance. Refreshments or meals provided to a volunteer while working at the site shall not be considered compensation. Notwithstanding the provisions of this subdivision, a nonprofit organization that organizes and executes games of chance may pay not more than \$15,000.00 in any calendar year, in the aggregate, to all persons for organizing, executing or working at a game of chance. In calculating the limitations on payments to persons contained in this subdivision, only that portion of a person's compensation attributable to gaming shall be considered.

(3) A nonprofit organization shall not permit any person who has not attained the age of majority to organize or execute a game of chance. A person who has not reached the age of majority may work performing services at a game of chance which are not related to the execution of the game of chance.

(4) A nonprofit organization may offer a prize worth not more than \$400.00 in value for a single game of chance, except that the nonprofit organization may offer a prize worth not more than \$1,000.00 in value for one game per day, a prize worth not more than \$5,000.00 in value for one game per calendar month and a prize of a motor vehicle, firearm, motorcycle or watercraft worth not more than \$50,000.00 for one game per calendar year. A nonprofit organization may exceed the above prize limitations on four days per calendar year, if the days are at least 20 days apart and the total prize money offered for all games executed on the day does not exceed \$20,000.00.

(5) A nonprofit organization shall not permit a person who organizes, executes or works at a game of chance to play in any game of chance organized or executed by that nonprofit on the same day.

(6) A nonprofit organization shall not organize and execute games of chance on more than two days in any calendar week, nor shall games of chance be organized and executed at any location on more than two days in any calendar week, except that:

(A) Casino events may be conducted only as permitted under subsection (d) of this section.

(B) Break-open tickets may be purchased and distributed only as provided in 32 V.S.A. chapter 239.

(C) A nonprofit organization may organize and execute games of chance on three consecutive days not more than twice in any calendar year as long as there are at least 90 days between each event.

(D) Agricultural fairs qualified to receive a state stipend pursuant to 31 V.S.A. § 617 may organize and execute games of chance for not more than 12 consecutive days during the fair once each calendar year.

(E) A nonprofit organization may organize and execute games of chance at a location used by another nonprofit organization which results in the location being used on more than two days a week if all the nonprofit organizations using the location were in existence as of January 1, 1994, and are not affiliated with each other or under common control.

(7) A nonprofit organization shall not knowingly permit any person who has been convicted of a crime, within the last ten years, under the laws of this state or of any other state, government or country which, if committed in this state, would be a felony criminal offense to organize or execute a game of chance. No person who has been convicted of such a crime shall organize or execute a game of chance.

(f) A nonprofit organization which organizes and executes a game of chance under subsection (a) of this section shall file financial reports with the commissioner of taxes as follows:

(1) For a nonprofit organization that is required to file federal tax forms 990 or 990T, or both, copies of those forms within 30 days of the filing date required by the Internal Revenue Service;

(2) For a nonprofit organization that has raised more than \$10,000.00 during the preceding year from organizing and executing games of chance and is not required to file federal tax forms 990 or 990T, a financial report for the preceding year, by June 15 of each year, which contains all the following information:

(A) An itemized list of all expenditures made for purchasing or renting materials and equipment used for games of chance and of printing advertisements, and of the direct purchase of advertising through established media, such as newspapers, radio and television.

(B) An itemized list of all expenditures made to all persons for organizing, executing or working at a game of chance and made for rent for premises on which games of chance are executed.

(C) The amount of all prizes awarded.

(D) An itemized list of all disbursements for charitable, religious, educational and civic undertakings.

(E) An itemized list of all funds raised from organizing and executing games of chance.

(3) For a nonprofit organization that is required to withhold Vermont income taxes from gambling winnings pursuant to 32 V.S.A. § 5841(a), a financial report describing the amounts withheld, within 30 days of the filing date required by the Internal Revenue Service or by June 15 of each year, as applicable.

(4) If the required financial report is not filed within 30 days after the report is due or does not contain the information required by this subsection, the commissioner of taxes may bring an action in superior court against the nonprofit organization for injunctive relief to restrain the organization and execution of games of chance by that organization. The state shall not be required to demonstrate immediate and irreparable injury in order to be granted injunctive relief.

(g) The commissioner of taxes shall design the financial forms required by subsection (f) of this section and make them available on request.

(h) The commissioner of taxes shall provide the financial reports required by subsection (f) of this section to the attorney general upon request, notwithstanding the provisions of 32 V.S.A. § 3102.

(i) A person who intentionally violates subsection (a) of this section shall be fined not more than \$500.00.

(j) A person who intentionally violates subsection (c), (d), (e) or (f) of this section shall be fined not more than \$10,000.00 for the first offense and fined not more than \$100,000.00 or imprisoned not more than three years, or both, for each subsequent offense.

(k) A nonprofit organization which organizes and executes a game of chance under subsection (a) of this section shall permit its members to examine the financial books and records relating to gambling activities of the organization at any reasonable time and, upon request, shall provide photocopies of these records to its members at cost. (Added 1973, No. 215 (Adj. Sess.), § 2, eff. April 3, 1974; amended 1975, No. 41, § 1, eff. April 15, 1975; 1991, No. 267 (Adj. Sess.), § 1; 1993, No. 183 (Adj. Sess.), §§ 1-3; No. 221 (Adj. Sess.), §§ 33, 34.)

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##### **§ 2143a. Political parties**

Notwithstanding the provisions of this chapter, a political party, organized under chapter 45 of Title 17, may organize and execute, and an individual may participate in raffles, the proceeds of which are to be used in undertakings consistent with the purpose of political parties. (Added 1983, No. 136 (Adj. Sess.))

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#### **§ 2143b. Contests and sweepstakes**

Notwithstanding the provisions of this chapter, a person may organize, execute or participate in a contest or game of chance, including a sweepstakes, provided that persons who enter the contest or game of chance are not required to venture money or other valuable things. The cost of mailing an entry shall not be considered a venture of money or other valuable things. (Added 1989, No. 7.)

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### **Subchapter III. Bookmaking; Pool Selling; Racing Offenses**

#### **§ 2151. Bookmaking; pool selling; off-track wagers**

(a) Except as provided under chapter 13 of Title 31, a person shall not

(1) engage in bookmaking or pool selling, except deer pools or other pools in which all of the monies paid by the participants, as an entry fee or otherwise, are paid out to either the winning participants based on the result of the pool or to a nonprofit organization or event as described in 32 V.S.A. § 10201(5) where the funds are to be used as described in that subdivision, or both;

(2) keep or occupy, for any period of time, any place or enclosure of any kind, with any material for recording any wager, or any purported wager, or selling pools, except as provided in subdivision (1) of this subsection, upon the result of any contest, lot, chance, unknown or contingent event, whether actual or purported;

(3) receive, hold or forward, or purport or pretend to receive, hold or forward, in any manner, any money, thing or consideration of value, or the equivalent or memorandum thereof, wagered, or to be wagered, or offered for the purpose of being wagered, upon such result;

(4) record or register, at any time or place, any wager upon such result;

(5) permit any place or enclosure that the person owns, leases or occupies to be used or occupied for any purpose or in any manner prohibited by subdivisions (1), (2), (3) or (4) of this section;

(6) with the exception of pools as provided in subdivision (1) of this subsection, lay, make, offer or accept any wager, upon such result or contest of skill, speed or power of endurance of human or beast, or between humans, beasts, or mechanical apparatus.

(b) Notwithstanding any provision to the contrary, a public retail establishment, including a holder of a second class license issued under Title 7, may sell raffle tickets on the retail premises for a nonprofit organization that

has organized the raffle, provided the raffle is conducted in accordance with section 2143 of this title and that no person is compensated for expenses, as outlined in subdivision 2143(e)(1)(B) of this title. (1961, No. 185, § 1; amended 1983, No. 43, § 2; 1999, No. 33, § 1, eff. May 19, 1999.)

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##### **§ 2152. -Penalty**

A person who violates a provision of section 2151 of this title shall be fined not more than \$250.00 or imprisoned not more than six months or both for the first offense and fined not more than \$2,000.00 or imprisoned not more than five years or both for a subsequent offense. When a person has been convicted in any state of a felony or of a violation of a statute prohibiting bookmaking, his conviction under this section shall be considered a subsequent offense. (1961, No. 185, § 2; amended 1971, No. 199 (Adj. Sess.), § 15.)

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##### **§ 2153. Racing animals; drugs or devices; false names**

A person shall not

(1) influence, induce or conspire with any owner, jockey, groom or other person associated with or interested in any stable, horse, or race in which a horse participates, or any greyhound dog or race in which a greyhound dog participates, to affect the result of such race by stimulating or depressing a horse or dog through the administration of any drug to such horse or dog, or by the use of any electrical device or any electrical equipment or by any mechanical or other device not generally accepted as regulation racing equipment;

(2) so stimulate or depress a horse or dog;

(3) knowingly enter any horse or dog in any race within a period of twenty-four hours after any drug has been administered to such horse or dog for the purpose of increasing or retarding the speed of such horse or dog;

(4) transport or use any local anaesthetic of the cocaine group, including but not limited to natural or synthetic drugs of this group, such as allocaine, apothesine, alypine, benzyl, carbinol, butyn, procaine, nupercaine, beta-eucaine, novol or anestubes or the drugs nikethamide or phenylbutazone, or hormones, within the racing enclosure, except upon a bona fide veterinarian's prescription with complete statement of uses and purposes of same on the container. A copy of such prescription shall be filed with the stewards and such substances may be used only with approval of the stewards and under the supervision of the veterinarian representing the racing commission;

(5) except for medicinal purposes, administer any poison, drug, medicine, or other noxious substance to any animal entered or about to be entered in any race or expose any poison, drug, medicine, or noxious substance with intent that it shall be taken, inhaled, swallowed, or otherwise received by any animal with intent to affect its speed, endurance, sense, health, physical condition, or other character or quality, or cause to be taken by or placed upon or in the body of any animal entered or about to be entered in any race any sponge, wood, or foreign substance of any kind, with intent to affect its speed, endurance, sense, health, or physical condition;

(6) wilfully or unjustifiably enter or race any horse in any running or trotting race under any name or designation other than the name or designation assigned to such horse by and registered with the Jockey Club or the United States Trotting Association or wilfully instigate, engage in or in any way further any act by which any horse is entered or raced in any running or trotting race under any name or designation other than the name or designation duly assigned by and registered with the Jockey Club or the United States Trotting Association. (1961, No. 185, § 3; amended 1973, No. 233 (Adj. Sess.), § 12, eff. April 3, 1974.)

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##### **§ 2154. -Drug defined**

The term "drug" includes all substances recognized as having the power of stimulating or depressing the central nervous system, respiration, or blood pressure of an animal, such as narcotics, hypnotics, benzedrine or its derivatives, but shall not include recognized vitamins or supplemental feeds approved by the veterinarian representing the racing commission. (1961, No. 185, § 4.)

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#### **§ 2155. -Penalty**

A person who violates a provision of section 2153 of this title shall be fined not more than \$5,000.00 or imprisoned not more than two years, or both. (1961, No. 185, § 5; amended 1971, No. 199 (Adj. Sess.), § 15; 1981, No. 223 (Adj. Sess.), § 23.)

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#### **§ 2156. Touting prohibited; penalty**

Any person who knowingly and designedly by false representation attempts to, or does persuade, procure or cause another person to wager on a horse or dog in a race to be run in this state or elsewhere, and upon which money is wagered in this state, and who asks or demands compensation as a reward for information or purported information given in such case is a tout, and is guilty of touting and shall be fined not more than \$500.00 or imprisoned not more than one year or both. (1961, No. 185, § 6; amended 1973, No. 233 (Adj. Sess.), § 13, eff. April 3, 1974.)

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#### **Subchapter IV. Stock Gambling**

#### **§ 2171. "Bucket shops"**

A person or corporation shall not keep or cause to be kept a "bucket shop," office, store or other place in which it is conducted or permitted, the pretended buying or selling of stock or bonds of a corporation, or petroleum, cotton, grain, provisions, pork or other produce, either on margins or otherwise, without any intention of receiving and paying for the property so bought, or of delivering the property so sold; or in which is conducted or permitted the pretended buying or selling of such property on margins; or when the party buying or offering to buy such property does not intend actually to receive the same if purchased, or the person selling such property to deliver it if sold.

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**§ 2172. -Evidence**

If stocks or bonds are in any manner quoted in such places, or the word "corporation," "association," or "company," or an abbreviation thereof, used therein and therewith, it shall be prima facie evidence that such stocks or bonds are the stocks or bonds of then going corporations. If such stocks or bonds, or such petroleum, cotton, grain, provisions, pork or other produce are not actually received when purchased or actually delivered when sold, it shall be prima facie evidence that:

- (1) Such property was sold or purchased without any intention of receiving it or paying for or delivering it;
- (2) Such property was bought or sold on margins; and
- (3) The parties buying or offering to buy or selling such property did not intend actually to receive or deliver the same.

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**§ 2173. -Penalties**

A person or corporation, whether acting individually, or as a member, officer, agent or employee of a corporation, who violates a provision of section 2171 of this title shall be fined not more than \$1,000.00 nor less than \$200.00. A person who is guilty of a second offense, in addition to the penalty above prescribed, shall be imprisoned six months and, if a corporation, shall be liable to forfeit its charter. The continuance of such establishment after a first conviction shall be deemed a second offense. (Amended 1971, No. 199 (Adj. Sess.), § 15.)

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**§ 2174. -What constitutes offense; accessories**

The offense shall be complete against a person or corporation pretending or offering to sell or to buy, as provided in sections 2171 and 2172 of this title, whether the offer to sell or buy is accepted or not. A person or corporation communicating, receiving, exhibiting or displaying in any manner such offer so to buy or sell or any statements or quotations of the prices of such property, with a view to such transaction, shall be deemed an accessory and shall be punished as provided in section 2173 of this title.

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**§ 2175. Commission merchants to furnish statement of contract**

A person or corporation doing business as a commission merchant or broker shall furnish, on demand, to a customer or principal for whom such person or corporation has executed an order for the actual purchase or sale of any of the commodities mentioned in sections 2171 and 2172 of this title, either for immediate or future delivery, a written statement containing the names of the parties from whom such property was bought, or to whom sold, the time when, place where and price at which the same was bought or sold. If such person or corporation refuses promptly to furnish such statement upon reasonable demand, such refusal shall be prima facie evidence that such property was not bought or sold in a legitimate manner.

**TITLE 13**

**Crimes and Criminal Procedure**

**PART I**

**Crimes**

**CHAPTER 51. GAMBLING AND LOTTERIES**

**Subchapter IV. Stock Gambling**

**§ 2176. Liability of landlords**

A person who knowingly permits any of the illegal acts, mentioned in sections 2171-2175 of this title, in a building, booth or erection of which he has the care or possession, shall be fined not more than \$1,000.00 nor less than \$500.00. A penalty so adjudged shall be a lien upon the premises on or in which such unlawful acts are carried on or permitted.

## **TITLE 13**

### **Crimes and Criminal Procedure**

#### **PART I**

#### **Crimes**

### **CHAPTER 51. GAMBLING AND LOTTERIES**

#### **Subchapter IV. Stock Gambling**

#### **§ 2177. Restraint by injunction; costs**

When a prosecution is commenced for the violation of a provision of sections 2171, 2173, 2174 or 2176 of this title, the state's attorney may petition the presiding judge of the superior court to enjoin the carrying on of such unlawful business in the place where the complaint, information or indictment charges that it has been conducted. Such presiding judge shall hear and determine such petition in the manner provided by law and the rules of civil procedure for the determination of causes and may, if the allegations therein are sustained, permanently enjoin the person, firm or corporation shown to have kept or caused to have been kept such place, from conducting such prohibited business therein. The superior court or presiding judge may, upon petition therefor in such proceedings, issue a temporary injunction to effect, during the pendency of the petition, the closing of such place against such unlawful business. The costs of the proceedings authorized by this section shall be taxed against the defendant in case the state prevails. (Amended 1971, No. 185 (Adj. Sess.), § 236, eff. March 29, 1972; 1973, No. 193 (Adj. Sess.), § 3, eff. April 9, 1974.)

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