

SENATE BILL NO. 422

March 10, 1999, Introduced by Senator JAYE and referred to the
Committee on Gaming and Casino Oversight.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 304 and 306 (MCL 750.304 and 750.306).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 304. (1) ~~Selling pools and registering bets--Any~~ A
2 person or ~~his~~ A PERSON'S agent or ~~employee, who shall,~~
3 EMPLOYEE SHALL NOT directly or indirectly keep, maintain, oper-
4 ate, or occupy any building or room or ~~any~~ part ~~thereof~~ OF A
5 BUILDING OR ROOM or any place with apparatus, books, or ~~any~~ A
6 device for registering bets or buying or selling pools upon the
7 result of a trial or contest of skill, speed, or endurance or
8 upon the result of a game, competition, political nomination,
9 appointment, or election or any purported event of like character
10 or ~~who shall~~ register bets or buy or sell pools ~~,~~ or ~~who~~
11 ~~shall~~ be concerned in buying or selling pools or ~~who shall~~

1 knowingly permit any grounds or premises, owned, occupied, or
2 controlled by him OR HER to be used for any of the purposes
3 ~~aforesaid, shall be~~ DESCRIBED IN THIS SECTION.

4 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS guilty of a mis-
5 demeanor, punishable by imprisonment in the county jail FOR not
6 more than 1 year or by a fine of not more than ~~500 dollars~~
7 \$500.00.

8 (3) THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT A SPORTS
9 BETTING GAME IN WHICH A PERSON WAGERS NOT MORE THAN \$5.00. AS
10 USED IN THIS SUBSECTION, "SPORTS BETTING GAME" MEANS A GAME TO
11 WHICH ALL OF THE FOLLOWING CONDITIONS APPLY:

12 (A) IT IS A GAME COMPOSED OF SQUARES OF EQUAL DIMENSIONS TO
13 WHICH THE DIGITS 0 TO 9 ARE RANDOMLY ASSIGNED ABOVE THE TOP ROW
14 OF SQUARES AND TO THE LEFT OF THE FIRST COLUMN OF SQUARES.

15 (B) THE OUTCOME DEPENDS UPON THE OUTCOME OF A SEASONAL
16 SPORTING EVENT.

17 (C) THE TOTAL POSSIBLE PAYOUT IS NOT MORE THAN \$1,000.00.

18 Sec. 306. (1) ~~Pool tickets, etc., declared nuisance~~ All
19 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), A policy or pool
20 ~~tickets, slips or checks, memoranda~~ TICKET, SLIP, CHECK,
21 MEMORANDUM of any combination, or other bet, manifold, or other
22 policy or A pool ~~books or sheets, are~~ BOOK OR SHEET IS hereby
23 declared a common nuisance. ~~and the possession thereof~~ A PERSON
24 WHO POSSESSES AN ITEM DESCRIBED IN THIS SUBSECTION IS GUILTY OF a
25 misdemeanor, punishable by imprisonment in the county jail FOR
26 not more than 1 year or by a fine of not more than ~~500 dollars~~
27 \$500.00.

1 (2) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3),
2 THE possession of ~~any such articles~~ AN ITEM DESCRIBED IN SUB-
3 SECTION (1), or of ~~any other implements~~ ANOTHER IMPLEMENT,
4 apparatus, or ~~materials~~ MATERIAL of ~~any other~~ ANOTHER form of
5 gaming ~~, shall be~~ IS prima facie evidence of ~~their~~ ITS use
6 ~~, by the person having them~~ IT in possession, in the form of
7 gaming in which like ~~articles~~ ITEMS are commonly used. ~~And~~
8 ~~such article~~ AN ITEM found upon the person of one lawfully
9 arrested for violation of ~~any~~ A law relative to lotteries,
10 policy lotteries or policy, the buying or selling of pools or
11 registering of bets, or other form of gaming ~~shall be~~ IS compe-
12 tent evidence upon the trial of ~~an indictment~~ A COMPLAINT to
13 which it may be relevant.

14 (3) THIS SECTION DOES NOT APPLY TO A CARD, LIST, OR OTHER
15 ITEM RELATED TO THE CONDUCTING OF A SPORTS BETTING GAME DESCRIBED
16 IN SECTION 304.

17 Enacting section 1. This amendatory act does not take
18 effect unless Senate Bill No. 423

19 of the 90th Legislature is enacted into
20 law.