

# SENATE BILL No. 313

March 8, 2001, 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~~ A building or room or ~~any~~ part thereof  
 5 OF A BUILDING OR ROOM or ~~any~~ A place with AN apparatus, books,  
 6 or ~~any~~ A device for registering bets or buying or selling pools  
 7 upon the result of a trial or contest of skill, speed, or endur-  
 8 ance or upon the result of a game, competition, political nomina-  
 9 tion, appointment, or election or ~~any~~ A purported event of like  
 10 character or ~~who shall~~ register bets or buy or sell pools ,  
 11 or ~~who shall~~ be concerned in buying or selling pools or ~~who~~

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

4 (2) EXCEPT AS PROVIDED IN SUBSECTIONS (3) AND (5), A PERSON  
5 WHO VIOLATES THIS SECTION IS guilty of a misdemeanor, punishable  
6 by imprisonment in the county jail FOR not more than 1 year or by  
7 a fine of not more than ~~500 dollars~~ \$500.00.

8 (3) A PERSON SHALL NOT CONDUCT OR ENGAGE IN A SPORTS BETTING  
9 GAME IN WHICH A PERSON, WHO IS OVER 21 YEARS OF AGE, WAGERS  
10 \$10.00 OR LESS ON A SPECIFIC SPORTING EVENT. A PERSON WHO VIO-  
11 LATES THIS SUBSECTION IS RESPONSIBLE FOR A CIVIL FINE OF \$1.00.  
12 AS USED IN THIS SUBSECTION, "SPORTS BETTING GAME" MEANS A GAME TO  
13 WHICH ALL OF THE FOLLOWING CONDITIONS APPLY:

14 (A) IT IS A GAME COMPOSED OF SQUARES OF EQUAL DIMENSIONS TO  
15 WHICH THE DIGITS 0 TO 9 ARE RANDOMLY ASSIGNED ABOVE THE TOP ROW  
16 OF SQUARES AND TO THE LEFT OF THE FIRST COLUMN OF SQUARES, OR IT  
17 IS A GAME IN WHICH A PLAYER SELECTS SUCCESSIVE WINNERS IN A  
18 BRACKETED PLAYOFF HIERARCHY.

19 (B) THE OUTCOME DEPENDS UPON THE OUTCOME OF A SEASONAL  
20 SPORTING EVENT, WHICH IS COMPRISED OF 1 ENTIRE GAME OR 1 ENTIRE  
21 SERIES OF PLAYOFF GAMES COMPLETED BY A PROFESSIONAL OR  
22 COLLEGE-SPONSORED TEAM.

23 (C) THE TOTAL POSSIBLE PAYOUT TO 1 PERSON FOR 1 SPORTING  
24 EVENT IS NOT MORE THAN \$1,000.00.

25 (D) A PERSON WHO CONDUCTS THE GAME RECEIVES NO COMPENSATION  
26 FROM THE PAYOUT FOR CONDUCTING THE GAME.

1 (4) A PERSON WHO IS A MEMBER OF A COLLEGE ATHLETIC TEAM OR  
 2 WHO IS AN EMPLOYEE OF A COLLEGE ATHLETIC TEAM SHALL NOT CONDUCT  
 3 OR ENGAGE IN A SPORTS BETTING GAME DESCRIBED IN SUBSECTION (3)  
 4 THE OUTCOME OF WHICH DEPENDS UPON THE OUTCOME OF A SEASONAL  
 5 SPORTING EVENT INVOLVING THE PERSON'S TEAM OR ANOTHER TEAM OF THE  
 6 COLLEGE AT WHICH THE PERSON IS A MEMBER OR EMPLOYEE OF A COLLEGE  
 7 ATHLETIC TEAM. AS USED IN THIS SUBSECTION:

8 (A) "COLLEGE" MEANS A COMMUNITY COLLEGE OR 4-YEAR COLLEGE OR  
 9 UNIVERSITY IN THIS STATE.

10 (B) "EMPLOYEE" MEANS A PERSON WHO IS PAID BY THE COLLEGE TO  
 11 COACH OR OTHERWISE ASSIST THE TEAM IN ITS ATHLETIC ENDEAVORS.

12 (C) "MEMBER" MEANS A PERSON WHO IS CARRIED ON A TEAM ROSTER  
 13 AT ANY TIME DURING THE PRECEDING YEAR.

14 (5) A PERSON SHALL NOT ADVERTISE A SPORTS BETTING GAME  
 15 DESCRIBED IN SUBSECTION (3). A PERSON WHO VIOLATES THIS SUBSEC-  
 16 TION IS LIABLE TO PAY A CIVIL FINE OF NOT LESS THAN \$500.00 OR  
 17 MORE THAN \$1,000.00. AS USED IN THIS SUBSECTION, "ADVERTISE"  
 18 MEANS ISSUING OR ORDERING THE PRINTING OR DISTRIBUTION OF A CARD,  
 19 SIGN, OR DEVICE OR CAUSING, PERMITTING, OR ALLOWING A SIGN OR  
 20 MARKING ON OR IN A BUILDING OR STRUCTURE OR PLACING MATERIAL IN A  
 21 NEWSPAPER OF GENERAL CIRCULATION, ON RADIO, OR ON TELEVISION.

22 Sec. 306. (1) ~~Pool tickets, etc., declared nuisance--All~~  
 23 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), A policy or pool  
 24 ~~tickets, slips or checks, memoranda~~ TICKET, SLIP, CHECK,  
 25 MEMORANDUM of any combination, or other bet, manifold, or other  
 26 policy or A pool ~~books or sheets, are~~ BOOK OR SHEET IS hereby  
 27 declared a common nuisance. ~~and the possession thereof~~ A PERSON

1 WHO POSSESSES AN ITEM DESCRIBED IN THIS SUBSECTION IS GUILTY OF a  
2 misdemeanor, punishable by imprisonment in the county jail FOR  
3 not more than 1 year or by a fine of not more than ~~500 dollars~~  
4 \$500.00.

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

18 (3) A PERSON WHO POSSESSES A CARD, LIST, OR OTHER ITEM  
19 RELATED TO THE CONDUCTING OF A SPORTS BETTING GAME DESCRIBED IN  
20 SECTION 304 IS LIABLE FOR A CIVIL FINE OF \$1.00.