

MICHIGAN GAMING CONTROL AND REVENUE ACT (EXCERPT)
Initiated Law 1 of 1996

432.218 Prohibited conduct; violation as felony; violation as misdemeanor; penalties; presumption; venue.

Sec. 18. (1) A person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$100,000.00, or both, and is barred from receiving or maintaining a license under this act for doing any of the following:

(a) Conducting a gambling operation in which wagering is used or to be used without a license issued by the board.

(b) Conducting a gambling operation in which wagering is permitted other than in the manner specified in section 9.

(c) Knowingly making a false statement on an application for a license under this act or a written document provided under oath in support of a proposal for a development agreement.

(d) Knowingly providing false testimony to the board or its authorized representative while under oath.

(e) Willfully failing to report, pay, or truthfully account for a license fee or tax imposed by this act or willfully attempting in any way to evade or defeat the license fee, tax, or payment. A person convicted under this subdivision is also subject to a penalty of 3 times the amount of the licensee fee or tax not paid.

(2) A person commits a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$100,000.00, or both, and, in addition, is barred for life from a gambling operation under the jurisdiction of the board if the person does any of the following:

(a) Offers, promises, or gives anything of value or benefit to a person who is connected with a licensee or affiliated company, including, but not limited to, an officer or employee of a casino licensee or holder of an occupational license pursuant to an agreement or arrangement or with the intent that the offer, promise, or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the board.

(b) Solicits or knowingly accepts or receives a promise of anything of value or benefit while the person is employed by or connected with a licensee, including, but not limited to, an officer or employee of a casino licensee or holder of an occupational license, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a gambling game.

(c) Offers, promises, or gives anything of value or benefit to a member, employee, or agent of the board or an official of a state or local agency or governmental body with the intent that the offer, promise, or thing of value or benefit will influence the official action of the person to whom the offer, promise, or gift was made pertaining to a city development agreement, or administering, licensing, regulating, or enforcing this act.

(d) Solicits or knowingly accepts or receives a promise of anything of value or benefit while the person is a member, employee, or agent of the board, or an official of any state or local agency or governmental body, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the official action of the member, employee, or agent of the board or official of the state or local governmental body pertaining to a city development agreement, or enforcing this act.

(e) Except as otherwise provided by the board, uses or possesses with the intent to use a device that does any of the following:

(i) Projects the outcome of a gambling game.

(ii) Keeps track of the cards played in a gambling game.

(iii) Analyzes the probability of the occurrence of an event relating to a gambling game.

(iv) Analyzes the strategy for playing or betting to be used in a gambling game.

(f) Cheats at a gambling game.

(g) Manufactures, sells, or distributes cards, chips, dice, a game, or a device that is intended to be used to violate this act.

(h) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is determined but before it is revealed to the players.

(i) Places a bet after acquiring knowledge, not available to all players, of the outcome of the gambling game that is the subject of the bet or to aid a person in acquiring the knowledge for the purpose of placing a bet contingent on that outcome.

(j) Claims, collects, takes, or attempts to claim, collect, or take money or anything of value in or from a gambling game, with intent to defraud, without having made a wager contingent on winning the gambling game, or claims, collects, or takes an amount of money or thing of value of greater value than the amount

won.

(k) Uses counterfeit chips in a gambling game.

(l) Possesses a key or device designed for the purpose of opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or mechanical device connected with the gambling game or for removing coins, chips, or other contents of a gambling game. This subdivision does not apply to a casino licensee or employee of a casino licensee acting in furtherance of the employee's employment.

(3) A person, or an affiliate of a person, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year in a county jail or a \$10,000.00 fine, or both, for doing any of the following:

(a) Knowingly making a wager if the person is under 21 years of age or permitting a person under 21 years of age to make a wager.

(b) Willfully failing to appear before or provide an item to the board at the time and place specified in a subpoena or summons issued by the board or executive director.

(c) Willfully refusing, without just cause, to testify or provide items in answer to a subpoena, subpoena duces tecum or summons issued by the board or executive director.

(d) Conducting or permitting a person who is not licensed under this act to conduct activities required to be licensed under the casino, occupational, and suppliers licensee provisions in this act or in rules promulgated by the board.

(e) Leasing, pledging, borrowing, or loaning money against a casino, supplier, or occupational license.

(4) The possession of more than 1 of the devices described in subsection (2)(e) permits a rebuttable presumption that the possessor intended to use the devices for cheating.

(5) An action to prosecute a crime described in this section may, in the discretion of the attorney general or county prosecuting attorney, be tried in the county in which the crime occurred or in Ingham County.

History: Add. 1997, Act 69, Imd. Eff. July 17, 1997;—Am. 2019, Act 158, Imd. Eff. Dec. 20, 2019.

Popular name: Proposal E