

1 **GAMBLING DEVICES**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: John W. Hickman**

5 AN ACT RELATING TO THE CRIMINAL CODE; AMENDING THE DEFINITION OF  
6 GAMBLING.

7 This act affects sections of Utah Code Annotated 1953 as follows:

8 AMENDS:

9 **76-10-1101**, as last amended by Chapter 127, Laws of Utah 1998

10 *Be it enacted by the Legislature of the state of Utah:*

11 Section 1. Section **76-10-1101** is amended to read:

12 **76-10-1101. Definitions.**

13 For the purpose of this part:

14 (1) "Gambling" means risking anything of value for a return or risking anything of value  
15 upon the outcome of a contest, game, gaming scheme, or gaming device when the return or  
16 outcome is based upon an element of chance and is in accord with an agreement or understanding  
17 that someone will receive something of value in the event of a certain outcome, and gambling  
18 includes a lottery; gambling does not include:

19 (a) ~~[A]~~ a lawful business transaction~~[-, or];~~

20 (b) ~~[Playing]~~ playing an amusement device that confers only an immediate and unrecorded  
21 right of replay not exchangeable for value~~[-]; or~~

22 (c) manufacturing gambling devices.

23 (2) "Gambling bet" means money, checks, credit, or any other representation of value.

24 (3) "Gambling device or record" means anything specifically designed for use in gambling  
25 or used primarily for gambling.

26 (4) "Gambling proceeds" means anything of value used in gambling.

27 (5) "Lottery" means any scheme for the disposal or distribution of property by chance

28 among persons who have paid or promised to pay any valuable consideration for the chance of  
29 obtaining property, or portion of it, or for any share or any interest in property, upon any  
30 agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance,  
31 whether called a lottery, raffle, or gift enterprise, or by whatever name it may be known.

32 (6) "Video gaming device" means any device that possesses all of the following  
33 characteristics:

34 (a) a video display and computer mechanism for playing a game;

35 (b) the length of play of any single game is not substantially affected by the skill,  
36 knowledge, or dexterity of the player;

37 (c) a meter, tracking, or recording mechanism that records or tracks any money, tokens,  
38 games, or credits accumulated or remaining;

39 (d) a play option that permits a player to spend or risk varying amounts of money, tokens,  
40 or credits during a single game, in which the spending or risking of a greater amount of money,  
41 tokens, or credits:

42 (i) does not significantly extend the length of play time of any single game; and

43 (ii) provides for a chance of greater return of credits, games, or money; and

44 (e) an operating mechanism that requires inserting money, tokens, or other valuable  
45 consideration in order to function.

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**Legislative Review Note**  
**as of 1-26-99 2:08 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**