

**SENATE BILL No. 220**

By Committee on Federal and State Affairs

2-25

1 AN ACT concerning certain crimes; amending K.S.A. 2012 Supp. 21-6403  
2 and repealing the existing section.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2012 Supp. 21-6403 is hereby amended to read as  
6 follows: 21-6403. As used in K.S.A. 2012 Supp. 21-6403 through 21-  
7 6409, and amendments thereto:

8 (a) "Bet" means a bargain in which the parties agree that, dependent  
9 upon chance, one stands to win or lose something of value specified in the  
10 agreement. A bet does not include:

11 (1) Bona fide business transactions which are valid under the law of  
12 contracts including, but not limited to, contracts for the purchase or sale at  
13 a future date of securities or other commodities, and agreements to  
14 compensation for loss caused by the happening of the chance including,  
15 but not limited to, contracts of indemnity or guaranty and life or health and  
16 accident insurance;

17 (2) offers of purses, prizes or premiums to the actual contestants in  
18 any bona fide contest for the determination of skill, speed, strength or  
19 endurance or to the bona fide owners of animals or vehicles entered in  
20 such a contest;

21 (3) a lottery as defined in this section;

22 (4) any bingo game by or for participants managed, operated or  
23 conducted in accordance with the laws of the state of Kansas by an  
24 organization licensed by the state of Kansas to manage, operate or conduct  
25 games of bingo;

26 (5) a lottery operated by the state pursuant to the Kansas lottery act;

27 (6) any system of parimutuel wagering managed, operated and  
28 conducted in accordance with the Kansas parimutuel racing act; ~~or~~

29 (7) tribal gaming; *or*

30 (8) *a raffle as defined in this section;*

31 (b) "lottery" means an enterprise wherein for a consideration the  
32 participants are given an opportunity to win a prize, the award of which is  
33 determined by chance. A lottery does not include:

34 (1) A lottery operated by the state pursuant to the Kansas lottery act;  
35 or

36 (2) tribal gaming;

1 (c) "consideration" means anything which is a commercial or  
2 financial advantage to the promoter or a disadvantage to any participant.  
3 Mere registration without purchase of goods or services; personal  
4 attendance at places or events, without payment of an admission price or  
5 fee; listening to or watching radio and television programs; answering the  
6 telephone or making a telephone call and acts of like nature are not  
7 consideration. "Consideration" shall not include sums of money paid by or  
8 for:

9 (1) Participants in any bingo game managed, operated or conducted  
10 in accordance with the laws of the state of Kansas by any bona fide  
11 nonprofit religious, charitable, fraternal, educational or veteran  
12 organization licensed to manage, operate or conduct bingo games under  
13 the laws of the state of Kansas and it shall be conclusively presumed that  
14 such sums paid by or for such participants were intended by such  
15 participants to be for the benefit of the sponsoring organizations for the use  
16 of such sponsoring organizations in furthering the purposes of such  
17 sponsoring organizations, as set forth in the appropriate paragraphs of  
18 subsection (c) or (d) of section 501 of the internal revenue code of 1986  
19 and as set forth in K.S.A. 79-4701, and amendments thereto;

20 (2) participants in any lottery operated by the state pursuant to the  
21 Kansas lottery act;

22 (3) participants in any system of parimutuel wagering managed,  
23 operated and conducted in accordance with the Kansas parimutuel racing  
24 act; or

25 (4) a person to participate in tribal gaming;

26 (d) (1) "gambling device" means any:

27 (A) So-called "slot machine" or any other machine, mechanical  
28 device, electronic device or other contrivance an essential part of which is  
29 a drum or reel with insignia thereon, and:

30 (i) Which when operated may deliver, as the result of chance, any  
31 money or property; or

32 (ii) by the operation of which a person may become entitled to  
33 receive, as the result of chance, any money or property;

34 (B) other machine, mechanical device, electronic device or other  
35 contrivance including, but not limited to, roulette wheels and similar  
36 devices, which are equipped with or designed to accommodate the addition  
37 of a mechanism that enables accumulated credits to be removed, is  
38 equipped with or designed to accommodate a mechanism to record the  
39 number of credits removed or is otherwise designed, manufactured or  
40 altered primarily for use in connection with gambling, and:

41 (i) Which when operated may deliver, as the result of chance, any  
42 money or property; or

43 (ii) by the operation of which a person may become entitled to

1 receive, as the result of chance, any money or property;

2 (C) subassembly or essential part intended to be used in connection  
3 with any such machine, mechanical device, electronic device or other  
4 contrivance, but which is not attached to any such machine, mechanical  
5 device, electronic device or other contrivance as a constituent part; or

6 (D) any token, chip, paper, receipt or other document which  
7 evidences, purports to evidence or is designed to evidence participation in  
8 a lottery or the making of a bet.

9 The fact that the prize is not automatically paid by the device does not  
10 affect its character as a gambling device.

11 (2) "Gambling device" shall not include:

12 (A) Any machine, mechanical device, electronic device or other  
13 contrivance used or for use by a licensee of the Kansas racing commission  
14 as authorized by law and rules and regulations adopted by the commission  
15 or by the Kansas lottery or Kansas lottery retailers as authorized by law  
16 and rules and regulations adopted by the Kansas lottery commission;

17 (B) any machine, mechanical device, electronic device or other  
18 contrivance, such as a coin-operated bowling alley, shuffleboard, marble  
19 machine, a so-called pinball machine, or mechanical gun, which is not  
20 designed and manufactured primarily for use in connection with gambling,  
21 and:

22 (i) Which when operated does not deliver, as a result of chance, any  
23 money; or

24 (ii) by the operation of which a person may not become entitled to  
25 receive, as the result of the application of an element of chance, any  
26 money;

27 (C) any so-called claw, crane or digger machine and similar devices  
28 which are designed and manufactured primarily for use at carnivals or  
29 county or state fairs; or

30 (D) any machine, mechanical device, electronic device or other  
31 contrivance used in tribal gaming;

32 (e) "gambling place" means any place, room, building, vehicle, tent  
33 or location which is used for any of the following: Making and settling  
34 bets; receiving, holding, recording or forwarding bets or offers to bet;  
35 conducting lotteries; or playing gambling devices. Evidence that the place  
36 has a general reputation as a gambling place or that, at or about the time in  
37 question, it was frequently visited by persons known to be commercial  
38 gamblers or known as frequenters of gambling places is admissible on the  
39 issue of whether it is a gambling place;

40 (f) "raffle" means a fundraising event in which: (1) Participants  
41 donate or agree to donate something of value for an opportunity to win  
42 something of value; (2) winning opportunities are represented by tickets  
43 differentiated by sequential enumeration; (3) winners are picked by a

1 *random drawing of tickets or some other similar method of determining a*  
2 *winner or by a race utilizing inanimate objects floated along a river,*  
3 *stream, canal or other body of water; and (4) the raffle is conducted for*  
4 *the benefit of nonprofit corporations or agencies of the United States*  
5 *government, the state of Kansas and its political subdivisions. Raffles must*  
6 *comply with provisions of section 1, and amendments thereto.*

7 ~~(f)~~ (g) "tribal gaming" means the same as in K.S.A. 74-9802, and  
8 amendments thereto; and

9 ~~(g)~~ (h) "tribal gaming commission" means the same as in K.S.A. 74-  
10 9802, and amendments thereto.

11 Sec. 2. K.S.A. 2012 Supp. 21-6403 is hereby repealed.

12 Sec. 3. This act shall take effect and be in force from and after its  
13 publication in the statute book.