

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3016

By: Dollens

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2021, Section 1051, which relates to the  
9 lottery; permitting a qualified organization to issue  
10 tickets via a manual ticketing system or an  
11 electronic platform; permitting voluntary  
12 contributions to be made via electronic platform;  
13 specifying who may manage or participate in the  
14 management of the raffle; prohibiting persons from  
15 receiving any remuneration or profit for managing or  
16 participating in the management of the raffle;  
17 permitting qualified organizations to contract with  
18 third parties for certain services; and providing an  
19 effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1051, is  
22 amended to read as follows:

23 Section 1051. A. A lottery is any scheme for the disposal or  
24 distribution of property by chance among persons who have paid, or  
promised, or agreed to pay any valuable consideration for the chance  
of obtaining such property, or a portion of it, or for any share of  
or interest in such property, upon any agreement, understanding or  
expectation that it is to be distributed or disposed of by a lot or

1 chance, whether called a lottery, a raffle, or a gift enterprise, or  
2 by whatever name the same may be known. "Valuable consideration"  
3 shall be construed to mean money or goods of actual pecuniary value.  
4 Provided, it shall not be a violation of the lottery or gambling  
5 laws of this state for:

6 1. The Oklahoma Lottery Commission to conduct a lottery  
7 pursuant to the provisions of the Oklahoma Education Lottery Act;

8 2. A bona fide resident merchant or merchants of a city or  
9 town, acting in conjunction with the Chamber of Commerce or  
10 Commercial Club of this state thereof, to issue free of charge  
11 numbered tickets on sales of merchandise, the corresponding stub of  
12 one or more of which tickets to be drawn or chosen by lot by a  
13 representative or representatives of the Chamber of Commerce or of  
14 the Commercial Club in the manner set forth on the tickets, the  
15 numbered stub or stubs so drawn to entitle the holder of the  
16 corresponding numbered issued ticket to a valuable prize donated by  
17 the merchant;

18 3. A bona fide community chest welfare fund on a military post  
19 or reservation to issue numbered tickets in conjunction with  
20 voluntary contributions to the fund, the corresponding stub or stubs  
21 of one or more of the tickets to be drawn by lot under the  
22 supervision of a military commander, the stub or stubs so drawn  
23 entitling the ticket holder to a prize of some value. Provided,  
24

1 however, that no person shall sell tickets or receive contributions  
2 to the fund off the military reservation;

3 4. a. A qualified organization to raise funds by issuing  
4 numbered tickets, whether via a manual ticketing  
5 system or an electronic platform via a mobile  
6 application or website that utilizes the Internet for  
7 the generation of numbered tickets, in conjunction  
8 with voluntary contributions to the qualified  
9 organization, which voluntary contributions may be  
10 made via the electronic platform, the corresponding  
11 stub or stubs of one or more of the tickets to be  
12 drawn by lot under the supervision of an official of  
13 the qualified organization, the stub or stubs so  
14 drawn, whether manually or via the electronic  
15 platform, entitling the ticket holder to a prize. As  
16 used in this paragraph, "qualified organization"  
17 means:

- 18 (1) a church,
- 19 (2) a public or private school accredited by the  
20 State Department of Education or registered by  
21 the State Board of Education for purposes of  
22 participating in federal programs,

1 (3) a student group or organization affiliated with a  
2 public or private school qualified pursuant to  
3 division (2) of this subparagraph,

4 (4) a parent-teacher association or organization  
5 affiliated with a public or private school  
6 qualified pursuant to division (2) of this  
7 subparagraph,

8 (5) fire departments,

9 (6) police departments,

10 (7) organizations that are exempt from taxation  
11 pursuant to the provisions of subsection (c) of  
12 Section 501 of the United States Internal Revenue  
13 Code, as amended, 26 U.S.C., Section 501(c) et  
14 seq., or

15 (8) an "organization" as such term is defined in  
16 paragraph 20 of Section 402 of Title 3A of the  
17 Oklahoma Statutes.

18 b. ~~Any raffle conducted by a qualified organization shall~~  
19 ~~be conducted by members of the qualified organization~~  
20 ~~without compensation to any member. The organization~~  
21 ~~shall not hire or contract with any person or business~~  
22 ~~association, corporation, partnership, limited~~  
23 ~~partnership or limited liability company to conduct a~~  
24 ~~raffle, to sell raffle tickets or to solicit~~

1 ~~contributions in connection with a raffle on behalf of~~  
2 ~~the organization~~ No person except a bona fide  
3 director, officer, employee, or member of the  
4 qualified organization may manage or participate in  
5 the management of the raffle. No person may receive  
6 any remuneration or profit for managing or  
7 participating in the management of the raffle.  
8 Qualified organizations may contract with third  
9 parties who, acting at the direction of and under the  
10 supervision of the qualified organization, provide  
11 bona fide services to the qualified organization in  
12 connection with the operation of a raffle and may pay  
13 reasonable compensation for such services. Such  
14 services shall include, but shall not be limited to:  
15 (1) the creation or licensing of an electronic  
16 platform,  
17 (2) banking and payment processing, and  
18 (3) other services relating to the operation of the  
19 raffle;

20 5. The Oklahoma Department of Wildlife Conservation to conduct  
21 controlled, draw, lottery or raffle hunts; or

22 6. ~~Savings~~ Oklahoma banks and credit unions to offer savings  
23 promotion raffle accounts or programs pursuant to Section ~~4~~ 908 of  
24 ~~this act~~ Title 6 of the Oklahoma Statutes.

1 B. If the Oklahoma Education Lottery Act ceases to have the  
2 force and effect of law pursuant to Section 735 of Title 3A of the  
3 Oklahoma Statutes, the provisions of paragraph 3 of subsection A of  
4 this section shall cease to have the force and effect of law.

5 SECTION 2. This act shall become effective November 1, 2022.

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7 58-2-8547 CMA 12/01/21

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