

A BILL

TO AMEND CHAPTER 19, TITLE 16 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO GAMBLING AND LOTTERIES, SO AS TO ADD DEFINITIONS FOR THE REGULATION OF GAMBLING; TO MAKE UNIFORM PENALTIES FOR UNLAWFUL LOTTERIES AND GAMBLING; TO ALLOW EXCEPTIONS FOR PRIVATE GAMING; AND TO PROVIDE THAT MONIES PAID FOR UNLAWFUL GAMBLING ARE FORFEITED.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 19, Title 16 of the 1976 Code is amended to read:

~~Section 16-19-10. Whoever shall publicly or privately erect, set up, or expose to be played or drawn at or shall cause or procure to be erected, set up, or exposed to be played, drawn, or thrown at any lottery under the denomination of sales of houses, lands, plate, jewels, goods, wares, merchandise, or other things whatsoever or for money or by any undertaking whatsoever, in the nature of a lottery, by way of chances, either by dice, lots, cards, balls, numbers, figures, or tickets or who shall make, write, print or publish, or cause to be made, written, or published any scheme or proposal for any of the purposes aforesaid is guilty of a misdemeanor and, upon conviction, must be fined one thousand dollars and imprisoned for one year. One third of the fine imposed shall be paid to the person, if any, who informed law enforcement officials or other appropriate authorities about the violation which led to the conviction. Each violation constitutes a separate offense.~~

~~Section 16-19-20. Whoever shall be adventurer in or shall pay any moneys or other consideration or shall in any way contribute unto or upon account of any sales or lotteries shall forfeit for every such offense the sum of one hundred dollars to be recovered with costs of suit, by action or indictment in any court of competent jurisdiction in this State, one moiety thereof to and for the use of the State and the other moiety thereof to the person who shall inform and sue for the same.~~

~~Section 16-19-30. It shall be unlawful to offer for sale any lottery tickets or to open or keep any office for the sale of lottery tickets, and if any person shall offend against any of the provisions of this section he shall, on conviction thereof, forfeit and pay to the State a sum not exceeding ten thousand dollars. The county treasurer of the county in which such offense occurs shall prosecute the offender.~~

~~Section 16-19-40. If any person shall play at any tavern, inn, store for the retailing of spirituous liquors or in any house used as a place of gaming, barn, kitchen, stable or other outhouse, street, highway, open wood, race field or open place at (a) any game with cards or dice, (b) any gaming table, commonly called A, B, C, or E, O, or any gaming table known or distinguished by any other letters or by any figures, (c) any roley poley table, (d) rouge et noir, (e) any faro bank (f) any other table or bank of the same or the like kind under any denomination whatsoever or (g) any machine or device licensed pursuant to Section 12-21-2720 and used for gambling purposes, except the games of billiards, bowls, backgammon, chess, draughts, or whist when there is no betting on any such game of billiards, bowls, backgammon, chess, draughts, or whist or shall bet on the sides or hands of such as do game, upon being convicted thereof, before any magistrate, shall be imprisoned for a period of not over thirty days or fined not over one hundred dollars, and every person so keeping such tavern, inn, retail store, public place, or house used as a place for gaming or such other house shall, upon being convicted thereof, upon indictment, be imprisoned for a period not exceeding twelve months and forfeit a sum not exceeding two thousand dollars, for each and every offense.~~

~~Section 16 19 50. — Any person who shall set up, keep, or use any (a) gaming table, commonly called A, B, C, or E, O, or any gaming table known or distinguished by any other letters or by any figures, (b) roley poley table, (c) table to play at rouge et noir, (d) faro bank (e) any other gaming table or bank of the like kind or of any other kind for the purpose of gaming, or (f) any machine or device licensed pursuant to Section 12 21 2720 and used for gambling purposes except the games of billiards, bowls, chess, draughts, and backgammon, upon being convicted thereof, upon indictment, shall forfeit a sum not exceeding five hundred dollars and not less than two hundred dollars.~~

~~Section 16 19 70. — Whoever shall keep or suffer to be kept any gaming table or permit any game or games to be played in his house on the Sabbath day, on conviction thereof before any court having jurisdiction, shall be fined in the sum of fifty dollars, to be sued for on behalf of, and to be recovered for the use of, the State.~~

~~Section 16 19 80. — All and every sum or sums of money staked, betted or pending on the event of any such game or games as aforesaid are hereby declared to be forfeited.~~

~~Section 16 19 90. — Any person who shall make any bet or wager of money or wager of any other thing of value or shall have any share or part in any bet or wager of money or wager of any other thing of value upon any election in this State shall be guilty of a misdemeanor and, upon conviction, shall be fined in a sum not exceeding five hundred dollars and be imprisoned not exceeding one month.~~

~~Section 16 19 100. — Upon conviction of any person under any of the provisions of Sections 16 19 40, 16 19 50 or 16 19 90, the court before whom such conviction shall take place shall commit such offender to the common jail of the county in which such conviction shall happen for a period not exceeding the time for which such offender has been sentenced, unless such offender shall sooner pay the fine or fines herein imposed, together with the cost of prosecution.~~

~~Section 16 19 110. — Any person who might be subject or liable to the fines and penalties imposed herein, either for gaming at or keeping a gaming table or tables, shall, upon being permitted by the circuit solicitor to become evidence in behalf of the State, be freed and exonerated from the same.~~

~~Section 16 19 120. — All officers of the law in whose care, possession or keeping may be placed any gambling or gaming machine or device of any kind whatsoever or any gambling or gaming punchboard of any kind or description whatsoever which has been confiscated for violation of any criminal law or laws of this State shall immediately after conviction of the violator of the law destroy the same.~~

~~Section 16 19 130. — Any person within this State who:~~

- ~~(1) Engages in betting at any race track, pool selling or bookmaking, with or without writing, at any time or place;~~
- ~~(2) Keeps or occupies any room, shed, tenement, booth, building, float or vessel, or any part thereof, or occupies any place or stand of any kind upon any public or private grounds within this State with books, papers, apparatus or paraphernalia for the purpose of recording or registering bets or wagers or of selling pools;~~
- ~~(3) Records or registers bets or wagers or sells pools or makes books, with or without writing, upon the result of any (a) trial or contest of skill, speed or power of endurance of man or beast, (b) political nomination, appointment or election or (c) lot, chance, casualty, unknown or contingent event whatsoever;~~
- ~~(4) Receives, registers, records or forwards or purports or pretends to receive, register, record or forward, in any manner whatsoever, any money, thing or consideration of value bet or wagered or offered for the purpose of being bet or wagered by or for any other person or sells pools upon any such result;~~
- ~~(5) Being the owner, lessee or occupant of any room, shed, tenement, tent, booth, building, float or vessel, or part thereof, or of any grounds within this State knowingly permits the same to be used or~~

~~occupied for any of these purposes or therein keeps, exhibits or employs any device or apparatus for the purpose of recording or registering such bets or wagers or the selling of such pools or becomes the custodian or depository for gain, hire or reward of any money, property or thing of value staked, wagered or pledged or to be wagered or pledged upon any such result; or~~

~~(6) Aids, assists or abets in any manner in any of the aforesaid acts, which are hereby forbidden; Shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars or imprisonment not exceeding six months, or both fine and imprisonment, in the discretion of the court.~~

~~Section 16-19-140.— The violation of any of the provisions of Section 16-19-130 shall be deemed a common nuisance.~~

~~Section 16-19-150.— Notwithstanding the provisions of Sections 16-19-130 and 16-19-140, wherever the offense is covered by Section 16-19-40, the punishment there provided shall be imposed, it being the intention to leave the jurisdiction of such gambling as is there specifically prohibited in the courts now having jurisdiction of the same.~~

~~Section 16-19-160.— It shall be unlawful for any person to use or offer for use any punchboards or other kinds of boards with numbers concealed thereon for the purpose of gaming or chance in this State. Any person violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than twenty five dollars or imprisoned not less than five days nor more than thirty days, or both, at the discretion of the court; provided, that for the second or third offense hereunder the fine shall not be less than twenty five dollars nor more than one hundred dollars or imprisonment on the public works of the county for a period not exceeding three months.~~

Section 16-19-100. For purposes of this chapter:

(1) ‘Gambling device’ or ‘gambling machine’ means any device, machine, paraphernalia, or equipment that is used or usable in the playing phases of any gambling activity, whether such activity consists of gambling between persons or gambling by a person involving the playing of a machine. Notwithstanding the foregoing, lottery tickets authorized pursuant to the Education Lottery Act are not gambling devices.

(2) ‘Gambling place’ means a public place, building, establishment, boat, or location, in or on a street, highway, open wood, race field, open place, or water within the jurisdiction of the state, which is used for gambling. This does not apply to gambling vessels authorized pursuant to Chapter 11, Title 3.

(3) 'Gambling tables' means a gaming table that is used or usable in the playing phases of gambling and includes, but is not limited to, ones commonly called a roulette table, a roley-poley table, a rouge et noir table, a faro bank, or other table or bank of the same or similar kind labeled under any denomination.

(4) 'Operate,' 'operated,' or 'operating' means the direction, supervision, management, operation, control, conducting, or guidance of activity.

(5) 'Person' means a natural person, partnership, association, company, corporation, or organization or a manager, agent, servant, officer, or employee thereof.

(6) 'Something of value' means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

Section 16-19-110. (A) A lottery or raffle of any type whatsoever is unlawful unless it is authorized by the following:

- (1) Chapter 150, Title 59 of the South Carolina Code of Laws, the Education Lottery;
- (2) Article 24, Chapter 21, Title 12 of the South Carolina Code of Laws, Charitable bingo;
- (3) Chapter 57, Title 33 of the South Carolina Code of Laws, Charitable raffles.

(B) For purposes of this chapter, a lottery is a scheme in which there exists:

- (1) the giving of a prize or something of value;
- (2) by a method of chance;
- (3) for a consideration paid by a player, contestant, or participant.

(C) The penalties for operating an unlawful lottery or raffle are provided herein in this chapter. Each violation constitutes a separate offense.

Section 16-19-120. A person who sets up, operates, or promotes an unlawful lottery, electronically or otherwise, is guilty of:

(1) for a first offense, a misdemeanor, and upon conviction, shall be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both;

(2) for a second offense, a misdemeanor, and upon conviction, shall be fined not more than one thousand dollars or imprisoned for not more than ninety days, or both; and

(3) for a third or subsequent offense, a felony, and upon conviction, shall be fined not less than five thousand dollars or imprisoned for not more than three years, or both.

Section 16-19-130. A person who prints, writes, advertises, issues, or delivers a ticket, paper, document, or other article or material that represents or appears to represent the existence or a chance or interest in scheme or proposal that is an unlawful lottery is guilty of:

(1) for a first offense, a misdemeanor, and upon conviction, shall be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both;

(2) for a second offense, a misdemeanor, and upon conviction, shall be fined not more than one thousand dollars or imprisoned for not more than ninety days, or both; or

(3) for a third or subsequent offense, a felony, and upon conviction, shall be fined not less than five thousand dollars or imprisoned for not more than three years, or both.

Section 16-19-140. A person who knowingly participates in, pays something of value or other consideration, or contributes in any way to an unlawful lottery is guilty of:

(1) for a first offense, a misdemeanor, and upon conviction, shall be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both;

(2) for a second offense, a misdemeanor, and upon conviction, shall be fined not more than one thousand dollars or imprisoned for not more than ninety days, or both; or

(3) for a third or subsequent offense, a felony, and upon conviction, shall be fined not less than five thousand dollars or imprisoned for not more than three years, or both.

Section 16-19-150. (A) A person who sells, offers to sell, opens, or keeps an office for the sale of tickets to an unlawful lottery is guilty of:

(1) for a first offense, a misdemeanor, and upon conviction, shall be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both;

(2) for a second offense, a misdemeanor, and upon conviction, shall be fined not more than one thousand dollars or imprisoned for not more than ninety days, or both; or

(3) for a third or subsequent offense, a felony, and upon conviction, shall be fined not less than five thousand dollars or imprisoned for not more than three years, or both.

(B) Ownership or possession in this state of a lottery ticket originating from another state in which a lottery is lawful, if the ticket is not owned or possessed for the purpose of resale, and is not a violation of this chapter.

(C) Nothing in this chapter shall be construed as preventing the sale of lottery tickets under the authority of the South Carolina Education Lottery Corporation, or the sale of tickets, chances,

or similar records for a charitable event pursuant to the provisions of Chapter 57, Title 33 or Article 24, Chapter 21, Title 12.

Section 16-19-160. (A) Unless provided in subsection (B), a person commits the offense of gambling when he:

(1) Makes a bet upon the partial or final result of any game or contest or upon the performance of any participant in the game or contest;

(2) Makes a bet upon the result of any political nomination, appointment, or election or upon the degree of success of any nominee, appointee, or candidate; or

(3) Plays and bets for money or something of value at any game played with cards or dice.

(B) The following activities are not gambling:

(a) bona fide contests of skill, speed, strength, or endurance in which awards are made only to entrants or the owners of entries;

(b) bona fide business transactions that are valid under the law of contracts;

(c) games of skill or chance, played between live individuals, where machine or devices are not used or operated, there is no betting of something of value, and there are no awards for cash, prizes, or additional play; or

(d) other acts now or hereafter expressly authorized by law.

(C) A person who commits the offense of gambling shall be guilty of:

(1) for a first offense, a misdemeanor, and upon conviction, shall be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both;

(2) for a second offense, a misdemeanor, and upon conviction, shall be fined not more than one thousand dollars or imprisoned for not more than ninety days, or both; or

(3) for a third or subsequent offense, a felony, and upon conviction, shall be fined not less than five thousand dollars or imprisoned for not more than three years, or both.

(C) It is an affirmative defense to prosecution under this section that:

(1) the person engaged in gambling in a private place;

(2) no person received any economic benefit other than personal winnings;

(3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants; and

(4) a bonafide social relationship existed among all participants.

Section 16-19-170. It is unlawful for a person to bet on the side or on the play of anyone who gambles. A person guilty of violating this subsection shall, upon conviction:

(1) for a first offense, a misdemeanor, and upon conviction, shall be fined not more than five hundred dollars, or imprisoned for not more than thirty days, or both;

(2) for a second offense, a misdemeanor, and upon conviction, shall be fined not more than one thousand dollars or imprisoned for not more than ninety days, or both;

(3) for a third or subsequent offense, a felony, and upon conviction, shall be fined not more than five thousand dollars or imprisoned for not more than three years, or both.

Section 16-19-180. It is unlawful for a person to own, operate, or use a gambling place. A person guilty of violating this subsection shall, upon conviction:

(1) for a first offense, a misdemeanor, and upon conviction, shall be fined not more than five hundred dollars, or imprisoned for not more than thirty days, or both;

(2) for a second offense, a misdemeanor, and upon conviction, shall be fined not more than one thousand dollars or imprisoned for not more than ninety days, or both;

(3) for a third or subsequent offense, a felony, and upon conviction, shall be fined not more than five thousand dollars or imprisoned for not more than three years, or both.

Section 16-19-190. It is unlawful for a person to set up, promote, operate, or use a gaming table or a gambling device for gambling purposes, and shall, upon conviction, be guilty of:

(1) for a first offense, a misdemeanor, and upon conviction, shall be fined not more than five hundred dollars, or imprisoned for not more than thirty days, or both;

(2) for a second offense, a misdemeanor, and upon conviction, shall be fined not more than one thousand dollars or imprisoned for not more than ninety days, or both;

(3) for a third or subsequent offense, a felony, and upon conviction, shall be fined not more than five thousand dollars or imprisoned for not more than three years, or both.

Section 16-19-200. (A) It is unlawful for a person to, electronically or in person, do any of the following:

(1) engage in betting at a race track, pool selling, or bookmaking, with or without writing, at any time or place;

(2) keep or occupy in a public or private place, room, shed, tenement, booth, building, float, boat, or vessel, or any part thereof, or occupies a place or stand of any kind upon any public or private grounds within this state with books, papers, apparatus or paraphernalia for the purpose of recording or registering bets or wagers or of selling pools;

(3) record or register bets or wagers, or sell pools, or make books, with or without writing,

upon the result of a:

(a) trial or contest of skill, speed or power of endurance of man or animal;

(b) political nomination, appointment, or election or;

(c) lot, chance, casualty, unknown or contingent event whatsoever;

(4) receive, register, record, forward, or appear or pretend to receive, register, record, or forward, in any manner whatsoever, any money, thing or something of value bet or wagered or offered for the purpose of being bet or wagered by or for any other person, or sell pools upon any such result;

(5) be the owner, lessee or occupant of a room, shed, tenement, tent, booth, building, float, boat, or vessel, or part thereof, or of any grounds within this state who knowingly permits the same to be used or occupied for any of these purposes in this section or who keeps, exhibits, or employs any device or apparatus for the purpose of recording or registering these bets or wagers or the selling of these pools, or becomes the custodian or depository for gain, hire, or reward of any money, property or something of value staked, wagered or pledged or to be wagered or pledged upon any such result; or

(6) aid, assist, or abet in any manner in any of the aforesaid acts.

(B) A person who is guilty of a violation of this section shall, upon conviction, be found guilty of:

(1) for a first offense, a misdemeanor, and upon conviction, shall be fined not more than five hundred dollars, or imprisoned for not more than thirty days, or both;

(2) for a second offense, a misdemeanor, and upon conviction, shall be fined not more than one thousand dollars or imprisoned for not more than ninety days, or both;

(3) for a third or subsequent offense, a felony, and upon conviction, shall be fined not more than five thousand dollars or imprisoned for not more than three years, or both.

Section 16-19-210. (A) It is unlawful, electronically or in person, for a person knowingly to bet or wager something of value or knowingly to share, promise or be promised to share, in a bet or wager upon an election in this state.

(B) A person who is guilty of a violation of this section shall, upon conviction, be found guilty of:

(1) for a first offense, a misdemeanor, and upon conviction, shall be fined not more than five hundred dollars, or imprisoned for not more than thirty days, or both;

(2) for a second offense, a misdemeanor, and upon conviction, shall be fined not more than one thousand dollars or imprisoned for not more than ninety days, or both;

(3) for a third or subsequent offense, a felony, and upon conviction, shall be fined not more than five thousand dollars or imprisoned for not more than three years, or both.

Section 16-19-220. (A) It is unlawful for a person to use or offer for use any punchboards or other kinds of boards with numbers concealed thereon for the purpose of gaming or chance in this State.

(B) A person who violates this section shall, upon conviction:

(1) for a first offense, be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned not less than five days nor more than thirty days, or both;

(2) for a second or subsequent offense, be fined not be less than five hundred nor more than one thousand dollars or imprisoned for not less than three months nor more than one year, or both.

Section 16-19-230. Each and every sum or sums of money or something of value staked, betted, or pending on the event of any action or activity described as unlawful in this chapter are forfeited.

Section 16-19-240. A law enforcement agency or officer of the law enforcement agency in whose care, possession, or keeping is placed any gambling table, gambling machine, or gambling device of any kind whatsoever, or any gambling or gaming punchboard of any kind or description whatsoever that has been confiscated for violation of any criminal law or laws of this state shall immediately, upon conviction of the violator of the law, destroy the same.

Section 16-19-250. Any premises where violations pursuant to the provisions of this chapter have occurred are considered common public nuisances and may be proceeded against as such. Any premises finally adjudged a common public nuisance shall have all licenses, permits, or certificates issued by an agency of the state or any subdivision that authorizes the service of food, beer, wine, or alcoholic liquor declared as void upon judgment and shall be canceled immediately by the agency of the state or subdivision, and shall not be reissued for a period of one year after the final judgment of common public nuisance.

Section 16-19-260. No device licensed pursuant to Section 12-21-2720 shall be used for gambling purposes.

Section 16-19-270. Nothing in this chapter may be construed to allow video poker play or to change or alter in any manner the prohibitions regarding video poker in Chapter 21, Title 12 of the South Carolina Code of Laws.

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