

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER XLIV

GAMBLING

**750.301 Accepting money or valuable thing contingent on uncertain event.**

Sec. 301. Any person or his or her agent or employee who, directly or indirectly, takes, receives, or accepts from any person any money or valuable thing with the agreement, understanding or allegation that any money or valuable thing will be paid or delivered to any person where the payment or delivery is alleged to be or will be contingent upon the result of any race, contest, or game or upon the happening of any event not known by the parties to be certain, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.301;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See sections 1 and 11 of Act 176 of 1925, being CL 1929, §§ 9121 and 9131.

**750.302 Keeping or occupying common gambling house or building or place where gaming permitted; apparatus used for gaming or gambling; manufacture or possession of gaming or gambling apparatus for sale.**

Sec. 302. (1) Except as provided in subsection (2), any person, or his or her agent or employee who, directly or indirectly, keeps, occupies, or assists in keeping or occupying any common gambling house or any building or place where gaming is permitted or suffered or who suffers or permits on any premises owned, occupied, or controlled by him or her any apparatus used for gaming or gambling or who shall use such apparatus for gaming or gambling in any place within this state, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

(2) This section does not prohibit the manufacture of gaming or gambling apparatus or the possession of gaming or gambling apparatus by the manufacturer of the apparatus solely for sale outside of this state, or for sale to a gambling establishment operating within this state in compliance with the laws of this state, if applicable, and in compliance with the laws of the United States, provided the manufacturer meets or exceeds federal government requirements in regard to manufacture, storage, and transportation.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.302;—Am. 1989, Act 85, Imd. Eff. June 20, 1989;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See sections 2 and 11 of Act 176 of 1925, being CL 1929, §§ 9122 and 9131.

**750.303 Keeping or maintaining gaming room, gaming table, or game of skill or chance for hire, gain, or reward; accessory; applicability of subsection (1) to mechanical amusement device, slot machine, or crane game; “slot machine” and “crane game” defined; notice.**

Sec. 303. (1) Except as otherwise provided in this section, a person who for hire, gain, or reward, keeps or maintains a gaming room, gaming table, game of skill or chance, or game partly of skill and partly of chance, used for gaming, or who permits a gaming room, or gaming table, or game to be kept, maintained, or played on premises occupied or controlled by the person, is guilty of a misdemeanor, punishable by imprisonment for not more than 2 years, or a fine of not more than \$1,000.00. A person who aids, assists, or abets in the keeping or maintaining of a gaming room, gaming table, or game, is guilty of a misdemeanor, punishable by imprisonment for not more than 2 years, or a fine of not more than \$1,000.00.

(2) Subsection (1) does not apply to a mechanical amusement device which may, through the application of an element of skill, reward the player with the right to replay the mechanical amusement device at no additional cost if the mechanical amusement device is not allowed to accumulate more than 15 replays at 1 time; the mechanical amusement device is designed so that accumulated free replays may only be discharged by reactivating the device for 1 additional play for each accumulated free replay; and the mechanical amusement device makes no permanent record, directly or indirectly, of the free replays awarded.

(3) Subsection (1) does not apply to a slot machine if the slot machine is 25 years old or older and is not used for gambling purposes. As used in this section, "slot machine" means a mechanical device, an essential part of which is a drum or reel which bears an insignia and which when operated may deliver, as a result of the application of an element of chance, a token or money or property, or by operation of which a person may become entitled to receive, as a result of the application of an element of chance, a token or money or property.

(4) A slot machine which is being used for a gambling purpose in violation of subsection (3) shall be confiscated and turned over to the director of the department of state police for auction.

(5) Subsection (1) does not apply to a crane game. As used in this section, "crane game" means an amusement machine activated by the insertion of a coin by which the player uses 1 or more buttons, joysticks, or similar means of control, or a combination of those means of control, to position a mechanical or electromechanical claw, or other retrieval device, over a prize, toy, novelty, or an edible item having a wholesale value of not more than \$3.75, and thereby attempts to retrieve the prize, toy, novelty, or edible item. Every prize, toy, or edible item must be retrievable by the claw. A slot machine is not considered a crane game.

(6) A person who knowingly alters a crane game that is available for play so that the crane game is not in compliance with the elements of the definition contained in subsection (5) is guilty of a felony, punishable by imprisonment for not more than 2 years, or a fine of not more than \$20,000.00, or both.

(7) A law enforcement officer may confiscate any crane game that is available for play and is not in compliance with the elements of the definition contained in subsection (5). The confiscated crane games and their contents shall not be destroyed, altered, dismantled, sold, or otherwise disposed of except upon order of a court having competent jurisdiction.

(8) The following notice shall be conspicuously posted on the front of every crane game located in this state: "This game is not licensed or regulated by the state of Michigan."

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.303;—Am. 1975, Act 315, Imd. Eff. Dec. 22, 1975;—Am. 1979, Act 43, Imd. Eff. July 2, 1979;—Am. 1988, Act 464, Imd. Eff. Dec. 27, 1988;—Am. 1990, Act 130, Imd. Eff. June 26, 1990;—Am. 1996, Act 129, Imd. Eff. Mar. 13, 1996.

**Constitutionality:** The provision of the Penal Code which exempts from the statutory proscription of gaming devices mechanical amusement devices which, through application of an element of skill, reward a player with free replays of the device, and which do not allow more than fifteen replays or the discharge of free replays without actually being played or keep a permanent record of the replays awarded is not unconstitutionally vague. Automatic Music and Vending Corporation v Liquor Control Commission, 426 Mich 452; 396 NW2d 204 (1986).

**Former law:** See section 15 of Ch. 43 of R.S. 1846, being CL 1857, § 1588; CL 1871, § 1998; How., § 2029; CL 1897, § 5935; CL 1915, § 7801; CL 1929, § 9117; and Act 171 of 1877.

### **750.303a Applicability of chapter; recreational card playing conducted at senior citizen housing facility.**

Sec. 303a. This chapter does not apply to recreational card playing conducted at a senior citizen housing facility not licensed by the liquor control commission by a senior citizens club or a group of residents of a senior citizen housing facility that consists of at least 15 members who are 60 years of age or older under all of the following circumstances:

(a) The card playing is conducted solely for the amusement and recreation of the members and guests of the club or group and is not conducted for fund-raising. The number of guests participating in the card playing shall not exceed the number of club or group members participating in the card playing.

(b) Only bona fide members and employees of the club or group participate in the conduct of the activity.

(c) The card playing is conducted after 9 a.m. and before midnight.

(d) The participating cardplayers bet not more than 25 cents per bet.

(e) The winnings from 1 hand of cards do not exceed \$5.00.

(f) Except for winnings, revenue generated from the activity is used for reasonable expenses incurred in conducting the card playing, and no person is compensated for participating in the conduct of the card playing.

**History:** Add. 1996, Act 539, Imd. Eff. Jan. 14, 1997.

### **750.304 Selling pools and registering bets.**

Sec. 304. Any person or his or her agent or employee who, directly or indirectly, keeps, maintains, operates, or occupies any building or room or any part of a building or room or any place with apparatus, books, or any device for registering bets or buying or selling pools upon the result of a trial or contest of skill, speed or endurance or upon the result of a game, competition, political nomination, appointment, or election or any purported event of like character or who registers bets or buys or sells pools, or who is concerned in buying or selling pools or who knowingly permits any grounds or premises, owned, occupied, or controlled by him or her to be used for any of the purposes aforesaid, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.304;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See sections 3 and 11 of Act 176 of 1925, being CL 1929, §§ 9123 and 9131.

### **750.305 Publication or distribution of betting odds; penalty.**

Sec. 305. (1) Any person, or his or her agent or employee who, directly or indirectly, by means of any

newspaper, periodical, poster, notice, or other mode of publication or reproduction, writes, prints, publishes, advertises, delivers, or distributes or offers to deliver or distribute to the public or to any part thereof or to any person, any statement or information concerning the making or laying of wagers or bets or the selling of pools or evidences of betting odds on any contest or game or on the happening of any event not known by the parties to be certain, or any purported event of like character, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

(2) The acts prohibited in subsection (1) constitute violations of subsection (1) when committed before any game, contest, or event. The possession of evidence for the publication of any statement or information concerning the making or laying of wagers or bets or the selling of pools or betting odds also constitutes a violation of subsection (1) when possessed for publication before the act evidenced thereby.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.305;—Am. 1959, Act 229, Eff. Mar. 19, 1960;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See sections 4 and 11 of Act 176 of 1925, being §§ 9124 and 9131.

### **750.305a Racing results; unlawful use of teletype ticker, exceptions; prima facie evidence; penalties.**

Sec. 305a. It shall be unlawful for any corporation, association, firm, co-partnership or person, either directly, or indirectly, or by or through any agent or employee, to lease, loan, sell, assign or in any way cause to be furnished any machine, device or instrumentality, excluding the telephone, and including but not limited to the device commonly referred to as a teletype ticker, registering or recording by any words, figures, signs, characters or hieroglyphics information concerning and the results of racing as defined in section 331 of Act No. 328 of the Public Acts of 1931, being section 750.331 of the Compiled Laws of 1948, or any statement or information concerning the making or laying of wagers, or bets, or the selling of pools or evidences of betting odds on any such race, to any person, firm, association, co-partnership or corporation, directly, indirectly or otherwise, or to their agents or employees within this state; and it shall likewise be unlawful for any corporation, association, firm, co-partnership or person, either directly or indirectly, or by or through any agent or employee, to transmit, convey or otherwise cause to be transmitted or conveyed through facilities owned, operated, leased by, serviced by, or otherwise under the control of such corporation, association, firm, co-partnership or person, such information to a teletype ticker or other device or instrumentality recording the same within this state; and it shall likewise be unlawful for any corporation, association, firm, co-partnership or person to string wires or other means of transmitting such information to such device or instrumentality within this state, used for recording such information, or to maintain, service, repair, lease, rent or install such communication lines and such recording devices or instrumentalities to, in and upon any premises in this state: Provided, however, That the provisions hereof shall not apply to the transmission and recording of such information to bona fide newspapers, having a general circulation and carrying principally local, sports, or national news of general interest and shall not apply to duly licensed radio and television stations or to press associations for distribution to such newspapers, radio or television stations nor to the use of totalizers and mechanical devices legally used, under the provisions of section 13, Act No. 199, Public Acts of 1933 as amended, being section 431.13 of the Compiled Laws of 1948, it being the intention of this section to make unlawful the transmission of such information and the furnishing and maintenance of facilities for the receipt and recordation of such information to so-called hand-books, bookies, pool rooms and to any and all other agencies within this state for illegal gambling purposes. The presence of a so-called teletype ticker machine or other device or instrumentality for recording such information and the presence of wires installed for the transmitting of such information in, upon and to any premises within this state other than hereinbefore excepted is hereby declared to be prima facie evidence of the criminal intent of the person, firm, association, co-partnership or corporation and its agents and employees, lending, leasing, renting, conveying, supplying, servicing or otherwise maintaining said wires, devices or instrumentalities: Provided, however, That said presumption of criminal intent shall be rebutted if the corporation, association, firm, co-partnership, person, agent, or employee, furnishing, maintaining, servicing, or installing such device or facilities or transmitting such information, prior to the issuance of a warrant for the violation of this section, shall have notified the prosecuting attorney of the county where the violation is alleged to have occurred in writing that such device and facilities may be used for unlawful and illegal purposes. Any person, co-partnership, firm, association or corporation and any agent and employee thereof who shall, directly or indirectly, do or cause to be done any act or acts hereinbefore declared to be unlawful shall be guilty of a misdemeanor punishable by imprisonment in the state prison for not more than 2 years or by a fine of \$5,000.00, or both fine and imprisonment: Provided, however, That no public utility corporation engaged in the distribution and selling of electrical energy shall be deemed to be in violation of this act by reason of its sale of electrical energy to a telephone or telegraph company, or by reason of its permitting its poles or conduits to be occupied by the wires and cables

of a telephone or telegraph company.

**History:** Add. 1952, Act 199, Eff. Sept. 18, 1952.

### **750.306 Pool tickets; declaration as nuisance.**

Sec. 306. (1) All policy or pool tickets, slips or checks, memoranda of any combination, or other bet, manifold, or other policy or pool books or sheets are hereby declared a common nuisance and the possession of 1 or more of those items is a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

(2) The possession of articles listed in subsection (1), or of any other implements, apparatus, or materials of any other form of gaming, is prima facie evidence of their use, by the person having them in possession, in the form of gaming in which like articles are commonly used. And such article found upon the person of one lawfully arrested for violation of any law relative to lotteries, policy lotteries or policy, the buying or selling of pools or registering of bets or other form of gaming is competent evidence upon the trial of an indictment to which it may be relevant.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.306;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See sections 5 and 11 of Act 176 of 1925, being CL 1929, §§ 9125 and 9131.

### **750.307 Gambling; prima facie evidence.**

Sec. 307. Prima facie evidence—In a prosecution or proceeding relative to lotteries, policy lotteries or policy, buying and selling pools or registering bets, any words, figures or characters, written, printed or exposed upon a blackboard, placard or otherwise in a place alleged to be used or occupied for such business, purporting or appearing to be a name of a horse or jockey, or a description of or reference to a trial or contest of skill, speed or endurance of man, beast, bird or machine, or game, competition, political nomination, appointment or election, or other act or event, or any odds, bet, combination bet or other stake or wager, or any code, cipher or substitute therefor, shall be prima facie evidence of the existence of the race, game, contest or other act or event so purporting or appearing to be referred to, and that such place is kept or occupied for gaming; and in all cases a copy or oral description thereof shall be competent evidence of the same.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.307.

**Former law:** See section 6 of Act 176 of 1925, being CL 1929, § 9126.

### **750.308 Gaming house; search warrant; seizure of apparatus and material; arrest.**

Sec. 308. If a person makes oath before a judge that he or she has probable cause to believe and does believe that a house or other building, room, or place is used as and for a common gaming house, for gaming for money or other property, or is occupied, used, or kept for promoting a lottery, or for the sale of lottery tickets, or for promoting the game known as a policy lottery or policy, or for the buying or selling of pools or registering of bets upon any race, game, contest, act, or event, and that persons resort thereto for any such purpose, the judge, whether the names of the persons last mentioned are known to the complainant or not, shall, if he or she be satisfied there is reasonable cause for such belief, issue a warrant commanding the sheriff or deputy sheriff or any constable or police officer to enter and search such house, building, room, or place, and if any lottery, policy or pool tickets, slips, checks, manifold books or sheets, memoranda of any bet, or other implements, apparatus, or material of any form of gaming be found in the place, to take into his or her custody all the implements, apparatus, or material of gaming, including any articles, equipment, furniture, loud speakers and amplifying apparatus, adding machines, calculators, money changers and boxes, and money found therein or in or on gambling apparatus, or material used in connection with or the promotion of gambling or a gambling place; and upon the finding of such apparatus and material of any form of gaming, the officers shall be authorized to arrest the keepers of the place, all persons in any way assisting in keeping the same, whether as capper, tout, guard, doorkeep, lookout, or otherwise, and all persons who are there found, and to keep the persons, implements, apparatus, or material of gaming, including any punch board prizes, articles, equipment, furniture, loud speakers and amplifying apparatus, adding machines, calculators, money changers and boxes, and money found therein or in or on gambling apparatus, or material used in connection with or the promotion of gambling or a gambling place, so that they may be forthcoming before some court or magistrate to be dealt with according to law. The provisions of law relative to destroying or other disposition of gaming articles shall apply to all articles and property seized as herein provided.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1941, Act 25, Eff. Jan. 10, 1942;—CL 1948, 750.308;—Am. 1953, Act 64, Eff. Oct. 2, 1953;—Am. 1991, Act 145, Imd. Eff. Nov. 25, 1991.

**Former law:** See section 7 of Act 176 of 1925, being CL 1929, § 9127.

### **750.308a Disposition of articles or property seized.**

Sec. 308a. On application of a sheriff, chief of police of a police department, commissioner of the Michigan state police, or other peace officer, a court or magistrate of competent jurisdiction may upon due notice and hearing turn over to said sheriff, chief of a police department, commissioner of the Michigan state police, or peace officer, any articles or property listed under the provisions of section 308 of this chapter lawfully seized by any such peace officer for such disposition as the court or magistrate shall prescribe, or said court or magistrate may provide for the destruction or other disposition of said articles or property.

Any funds derived from the disposition of any such articles or property shall be turned over to the treasurer of the city, township or county whose law enforcement officer made application for the disposition of such articles or property, or to the state treasurer if such application is made by the commissioner of the Michigan state police.

**History:** Add. 1953, Act 64, Eff. Oct. 2, 1953.

### **750.309 Frequenting or attending gaming places.**

Sec. 309. Frequenting or attending gaming places—Any person who shall attend or frequent any place where gaming or gambling is suffered or permitted, or any place operated or occupied as a common gaming or gambling house or room, shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.309.

**Former law:** See section 10 of Act 176 of 1925, being CL 1929, § 9129.

### **750.310 Exceptions.**

Sec. 310. This chapter shall not be construed to prohibit or make unlawful the operation of a game of skill or chance pursuant to the Michigan Exposition and Fairgrounds Act or the giving or payment of purses, prizes, or premiums to players in a game or participants in a contest or to the owner, driver, manager, or trainer of animals or the drivers, mechanics, or operators of a machine or the giving or payment of entry fees or the payment of expenses or reward for services or labor in connection with a race, contest, or game but it shall apply to the selling of pools or to a transaction whereby money or a valuable thing shall be paid as a gain or speculation on the result of a contest, race, game, or event not known to the parties to be certain and concerning which the parties to the transaction do not render service directly related to the holding of the contest, race, or game or the bringing about of the event.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.310;—Am. 1978, Act 356, Eff. July 22, 1978.

**Former law:** See section 8 of Act 176 of 1925, being CL 1929, § 9128.

### **750.310a Applicability of chapter; bowling game or bowling card game.**

Sec. 310a. (1) Subject to subsection (3), this chapter does not apply to a bowling game or a bowling card game conducted in a bowling center to which all of the following apply:

(a) The total amount of the participation fee per person per game does not exceed \$5.00.

(b) The total prize payout per league per game does not exceed \$1,000.00 and is comprised only of participation fees.

(2) This section applies only to a game that is sponsored solely by 1 league and whose participants are members of the same league.

(3) The bowling center in which the bowling game or bowling card game is conducted shall not receive a percentage of the participation fees or prize money from bowling games or bowling card games for which a stake or prize is awarded.

(4) As used in this section:

(a) "Bowling center" means a bowling alley with a minimum of 5 lanes.

(b) "Bowling card game" means a card game held in conjunction with a bowling game, the results of which depend on the outcome of the bowling game. Bowling card game does not include any of the following:

(i) A mechanical or electronic simulation of a bowling card game.

(ii) Roulette, beano, cards unless used in a bowling card game, dice, wheels of fortune, video poker, slot machines, or other similar games in which winning depends primarily upon fortuitous or accidental circumstances beyond the control of the player.

(iii) A game that includes a mechanical or physical device that directly or indirectly impairs or thwarts the skill of the player.

(c) "Bowling game" means not more than 3 sets of 10 frames of bowling. Bowling game does not include any of the following:

(i) A mechanical or electronic simulation of a bowling game.



(ii) Roulette, beano, cards unless used in a bowling card game, dice, wheels of fortune, video poker, slot machines, or other similar games in which winning depends primarily upon fortuitous or accidental circumstances beyond the control of the player.

(iii) A game that includes a mechanical or physical device that directly or indirectly impairs or thwarts the skill of the player.

(d) "Participation fee" means a fee that is charged by the league to a participant in a game for which a stake or prize is awarded.

**History:** Add. 1996, Act 539, Imd. Eff. Jan. 14, 1997;—Am. 1998, Act 338, Imd. Eff. Sept. 30, 1998.

#### **750.310b Applicability of chapter; redemption game.**

Sec. 310b. (1) This chapter does not apply to a redemption game if all of the following conditions are met:

(a) The outcome of the game is determined through the application of an element of skill by the player.

(b) The award of the prize is based upon the player's achieving the object of the game or otherwise upon the player's score.

(c) Only noncash prizes, toys, novelties, or coupons or other representations of value redeemable for noncash prizes, toys, or novelties are awarded. A gift card may be awarded under this subdivision if all of the following apply:

(i) The gift card is usable only at a retailer or an affiliated group of retailers.

(ii) The gift card is issued in a specified amount.

(iii) The gift card is redeemable only for goods and services available from the retailer or retailers and not for cash.

(iv) Information on the gift card may not be altered with the use of a personal identification number.

(d) The wholesale value of a prize, toy, or novelty awarded for the successful single play of a game is not more than \$3.75.

(e) The redemption value of coupons or other representations of value awarded for the successful single play of a game does not exceed 15 times the amount charged for a single play of the game or a \$3.75-per-play average, whichever is less. However, players may accumulate coupons or other representations of value for redemption for noncash prizes, toys, or novelties of a greater value up to, but not exceeding, \$500.00 wholesale value.

(2) As used in this section, "redemption game" means a single player or multiplayer mechanical, electronic, or manual amusement device involving a game, the object of which is throwing, rolling, bowling, shooting, placing, propelling, or stopping a ball or other object into, upon, or against a hole or other target. Redemption game does not include either of the following:

(a) A game such as roulette, beano, cards, dice, wheel of fortune, video poker, a slot machine, or another game in which winning depends primarily upon fortuitous or accidental circumstances beyond the control of the player.

(b) A game that includes a mechanical or physical device that directly or indirectly impairs or thwarts the skill of the player.

**History:** Add. 1996, Act 539, Imd. Eff. Jan. 14, 1997;—Am. 2010, Act 219, Imd. Eff. Dec. 9, 2010.

#### **750.310c Applicability of chapter; social media internet game; definition.**

Sec. 310c. (1) The chapter does not prohibit a social media internet game from rewarding a player, as a result of chance or uncertain event, with either 1 or more free plays or an extended period of playing time.

(2) As used in this section, "social media internet game" means a game offered over the internet or on a telephone or other mobile device. Social media internet game does not include fantasy sports.

**History:** Add. 2017, Act 41, Imd. Eff. May 23, 2017.

#### **750.310d Inapplicability of chapter; gambling under lawful internet gaming act.**

Sec. 310d. This chapter does not apply to gambling conducted under the lawful internet gaming act.

**History:** Add. 2019, Act 150, Imd. Eff. Dec. 20, 2019.

#### **750.310e Inapplicability of chapter; sports betting under lawful sports betting act.**

Sec. 310e. This chapter does not apply to sports betting conducted under the lawful sports betting act.

**History:** Add. 2019, Act 148, Imd. Eff. Dec. 20, 2019.

#### **750.311 Gambling in stocks, bonds, grain or produce.**

Sec. 311. Gambling in stocks, bonds, grain, etc.—It shall be unlawful for any corporation, association, firm, copartnership or person to keep or cause to be kept by any agent or employe within this state, any office,

store or other place, wherein is conducted or permitted the pretended buying or selling of the shares of stocks or bonds of any corporation, or petroleum, cotton, grain, provisions or other produce, either on margins or otherwise, without any intention of receiving and paying for the property so bought or of delivering the property so sold; or wherein is conducted or permitted the pretended buying or selling of such property on margins, when the party selling the same or offering to sell the same does not have the property on hand to deliver upon such sale; or when the party buying any of such property, or offering to buy the same, does not intend actually to receive the same if purchased or to deliver the same if sold; all such acts and all purchases and sales, or contracts and agreements for the purchase and sale of any of the property aforesaid in manner aforesaid, and all offers to sell the same or to purchase the same in manner aforesaid, as well as all transactions in stocks, bonds, petroleum, cotton, grains or provisions in the manner as aforesaid, on margins for future or optional delivery, are hereby declared gambling and criminal acts, whether the person buying or selling or offering to buy or sell acts for himself or as an agent, employe or broker for any firm, copartnership, company, corporation, association or broker's office.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.311.

**Former law:** See section 1 of Act 199 of 1887, being How., § 9354f; CL 1897, § 11373; CL 1915, § 15091; CL 1929, § 16618; and sections 1 and 2 of Act 336 of 1907, being CL 1915, §§ 7805 and 7806; and CL 1929, §§ 9133 and 9134.

### **750.312 Commission merchants, statements on demand.**

Sec. 312. Commission merchants, etc., to furnish written statement, etc., on demand—It shall be the duty of every commission merchant, firm, copartnership, association, corporation or broker doing business as such, to furnish upon demand, to any customer or principal for whom such commission merchant, broker, firm, copartnership, corporation or association has executed any order for the actual purchase or sale of any of the commodities mentioned in the next preceding section of this chapter either for immediate or future delivery, a written statement containing the names of the parties from whom any such property was bought or to whom it shall have been sold, as the case may be, the time when, the place where and the price at which the same was either bought or sold; and in case such commission merchant, broker, firm, copartnership, corporation or association shall refuse promptly to furnish such statement upon reasonable demand, the fact of such refusal shall be prima facie evidence that such property was not sold or bought in legitimate manner upon the open market.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.312.

**Former law:** See section 2 of Act 199 of 1887, being How., § 9354g; CL 1897, § 11374; CL 1915, § 15092; CL 1929, § 16619; and section 4 of Act 336 of 1907, being CL 1915, § 7808; and CL 1929, § 9136.

### **750.313 Gambling in stocks, bonds, grain or produce; penalty.**

Sec. 313. Penalty for gambling and using property for gambling in stocks, bonds, grain, etc.—Any person who shall knowingly permit any of the acts set forth in the eleventh section of this chapter in his building, house or in any out-house, booth, arbor or erection of which he has the title, care or possession, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 2 years or by a fine of not less than 500 dollars or more than 1,000 dollars, and any penalty so adjudged shall be a lien upon the premises on or in which such unlawful acts are carried on or permitted, and any person whether acting for himself, or as a broker, agent or employe of any person, or as an officer, broker, agent or employe of any corporation, association, firm or co-partnership, who shall violate any of the provisions of the eleventh section of this chapter, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 2 years, or by fine of not less than 500 dollars nor more than 1,000 dollars.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.313.

**Former law:** See section 3 of Act 199 of 1887, being How., § 9354h; CL 1897, § 11375; CL 1915, § 15093; and CL 1929, § 16620.

### **750.314 Winning at gambling.**

Sec. 314. Any person who by playing at cards, dice, or any other game, or by betting or putting up money on cards, or by any other means or device in the nature of betting on cards, or betting of any kind, wins or obtains any sum of money or any goods, or any article of value whatever, is guilty of a misdemeanor if the money, goods, or articles so won or obtained are of the value of not more than \$50.00. If the money, goods, or articles so won or obtained are of the value of more than \$50.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.314;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See section 9 of Ch. 43 of R.S. 1846, being CL 1857, § 1582; CL 1871, § 1992; How., § 2023; CL 1897, § 5929; CL 1915, § 7795; CL 1929, § 9111; and Act 171 of 1877.

### **750.315 Losing at gambling.**

Sec. 315. Losing at gambling—Any person who shall lose any sum of money, or any goods, article or thing of value, by playing or betting on cards, dice or by any other device in the nature of such playing or betting, and shall pay or deliver the same or any part thereof to the winner, and shall not, within 3 months after such loss, without covin or collusion, prosecute with effect for such money or goods, the winner to whom such money or goods shall have been so paid or delivered, shall be guilty of a misdemeanor, punishable by a fine not exceeding 3 times the value of such money or goods. Such loser may sue for and recover such money in an action for money had and received to the use of the plaintiff; and such goods, article or valuable thing in an action of replevin, or the value thereof in an action on the case.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.315.

**Former law:** See sections 9 and 10 of Ch. 43 of R.S. 1846, being CL 1857, §§ 1582 and 1583; CL 1871, §§ 1992 and 1993; How., §§ 2023 and 2024; CL 1897, §§ 5929 and 5930; CL 1915, §§ 7795 and 7796; and CL 1929, §§ 9111 and 9112.

### **750.315a Loan promotion raffle or savings promotion raffle; inapplicability of chapter.**

Sec. 315a. This chapter does not apply to a loan promotion raffle or savings promotion raffle conducted by a domestic credit union under section 411 of the credit union act, 2003 PA 215, MCL 490.411, to a loan promotion raffle or savings promotion raffle conducted by a state bank under section 4111 of the banking code of 1999, 1999 PA 276, MCL 487.14111, or to a loan promotion raffle or savings promotion raffle conducted by a federally chartered credit union, a national bank, or a federally chartered savings and loan association that is conducted in the same manner as a loan promotion raffle or savings promotion raffle conducted by a domestic credit union under section 411 of the credit union act, 2003 PA 215, MCL 490.411.

**History:** Add. 1982, Act 395, Eff. Mar. 30, 1983;—Am. 2003, Act 217, Imd. Eff. Dec. 2, 2003;—Am. 2014, Act 400, Imd. Eff. Dec. 29, 2014;—Am. 2016, Act 163, Eff. Sept. 7, 2016.