

HOUSE BILL No. 6488

November 7, 2002, Introduced by Rep. Koetje and referred to the Committee on Gaming and Casino Oversight.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 372 (MCL 750.372), as amended by 1996 PA 206.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 372. (1) Except as otherwise provided by law or in
2 this section, a person shall not do any of the following:

3 (a) Set up or promote within this state any lottery or gift
4 enterprise for money.

5 (b) Dispose of any property, real or personal, goods, chat-
6 tels, merchandise, or valuable thing by the way of lottery or
7 gift enterprise.

8 (c) Aid, either by printing or writing, or in any way be
9 concerned in the setting up, managing, or drawing of a lottery or
10 gift enterprise.

1 (d) In a house, shop, or building owned or occupied by him
2 or her or under his or her control, knowingly permit the setting
3 up, managing, or drawing of any lottery or gift enterprise, or
4 knowingly permit the sale of any lottery ticket or share of a
5 ticket, or any other writing, certificate, bill, goods, chattels,
6 merchandise, token, or other device purporting or intended to
7 entitle the holder or bearer or other person to any prize or gift
8 or any share of or interest in any prize or gift to be drawn in
9 any lottery or gift enterprise.

10 (e) Knowingly allow money or other property to be raffled
11 off in a house, shop, or building owned or occupied by him or her
12 or allow money or other property to be won by throwing or using
13 dice or by any other game or course of chance.

14 (2) Subsection (1) does not apply to a lottery or gift
15 enterprise conducted by a person as a promotional activity FOR
16 NOT MORE THAN 60 DAYS IN A CALENDAR YEAR that is ~~clearly~~
17 ~~occasional~~ INTERMITTENT and ancillary to the primary business of
18 that person. As used in this subsection, "promotional activity"
19 means an activity that is calculated to promote ~~a business~~
20 ~~enterprise or~~ the sale of ~~its~~ products or services NORMALLY
21 ASSOCIATED WITH THE BUSINESS ENTERPRISE OF THE PERSON CONDUCTING
22 THE LOTTERY OR GIFT ENTERPRISE, but does not include a lottery or
23 gift enterprise involving the payment of money ~~solely~~ PRIMARILY
24 for the chance or opportunity to win a prize. ~~or a lottery or~~
25 ~~gift enterprise that may be entered by purchasing a product or~~
26 ~~service for substantially more than its fair market value.~~

1 (3) THIS SECTION APPLIES TO A LOTTERY OR GIFT ENTERPRISE
2 REGARDLESS OF WHETHER A PURCHASE IS REQUIRED TO PARTICIPATE IN
3 THE LOTTERY OR GIFT ENTERPRISE.

4 (4) ~~(3)~~ A person violating subsection (1) is guilty of a
5 misdemeanor punishable by imprisonment for not more than 2 years
6 or by a fine of not more than \$1,000.00.