



Oklahoma laws relating to the Oklahoma Lottery Commission are found in Article 10, Section 41 of the Oklahoma Constitution (added by a vote of the People of Oklahoma, by passing State Question 706, November 2, 2004, which question was referred to the People by SJR22 of the 2003 legislative session); and in the Oklahoma Statutes in Title 3A, Sections 701 and following. The statutory law changes were added by a vote of the People of Oklahoma as the “Oklahoma Education Lottery Act”, by passing State Question 705, November 2, 2004, referred by HB 1278 of the 2003 session. Title 21 of the Oklahoma Statutes also contains statutes relating to lotteries, crimes and punishments. These laws were already in existence when the Oklahoma Education Lottery Act was passed and statutes of interest have been included in this document.

The statutory provisions included in this document have been updated through the 2018 regular legislative session which ended Friday, May 3, 2018.

The Oklahoma Education Lottery Act in Title 3A **has been amended in 10 separate legislative sessions (every session from 2005 through 2018 except for the 2009, 2014, 2015 and 2016 sessions).**

2005: 3 sections amended; 1 section added.

2006: 1 section added.

2007: 2 sections amended (including 1 that was amended twice); 2 sections added.

2008: 1 section amended twice.

2010: 2 sections added.

2011: 1 section amended.

2012: 3 sections amended.

2013: 1 section amended.

2017: 1 section amended; 2 section added.

2018: 1 section amended; 2 sections added.

One of the sections related to lotteries in Title 21 was also amended subsequent to the passage of the Oklahoma Education Lottery Act.

 **Oklahoma Constitution Article 10 - Revenue And Taxation - Public Indebtedness**

 **Section Article 10 section 41 - Oklahoma Education Lottery Trust Fund**

Cite as: OKCONST O.S. § Article 10 section 41 (OSCN 2005), Public Indebtedness

A. There is hereby created a trust fund to be known as the "Oklahoma Education Lottery Trust Fund". **The trust fund shall consist of the funds transferred to it from the Oklahoma Education Lottery.**

B. Monies in the Oklahoma Education Lottery Trust Fund shall only be expended for the following educational purposes and programs:

1. Kindergarten through twelfth grade public education, including but not limited to compensation and benefits for public school teachers and support employees;
2. Early childhood development programs;
3. Tuition grants, loans and scholarships to citizens of this state to enable such citizens to attend colleges and universities located within this state which are accredited by the Oklahoma State Regents for Higher Education or to attend institutions operated under the authority of the Oklahoma Department of Career and Technology Education;
4. Construction of educational facilities for elementary school districts, independent school districts, the Oklahoma State System of Higher Education, and career and technology education;
5. Capital outlay projects for elementary school districts, independent school districts, the Oklahoma State System of Higher Education, and career and technology education;
6. Technology for public elementary school district, independent school district, state higher education, and career and technology education facilities;
7. Endowed chairs for professors at institutions of higher education operated by the Oklahoma State System of Higher Education;
8. Programs and personnel of the Oklahoma School for the Deaf and the Oklahoma School for the Blind;
9. The School Consolidation and Assistance Fund; and
10. The Teachers' Retirement System Dedicated Revenue Revolving Fund.

C. **The Legislature shall appropriate funds from the Oklahoma Education Lottery Trust Fund** only for the purposes specified in subsection B of this section. Even when the funds from the trust fund are used for these purposes, the Legislature shall not use funds from the trust fund to supplant or replace other state funds supporting common education, higher education, or career and technology education.

D. In order to ensure that the funds from the trust fund are used to enhance and not supplant funding for education, the State Board of Equalization shall examine and investigate appropriations from the trust fund each year. At the meeting of the State Board of Equalization held within five (5) days after the monthly apportionment in February of each year, the State Board of Equalization shall issue a finding and report which shall state whether appropriations from the trust fund were used to enhance or supplant education funding. If the State Board of Equalization finds that education funding was supplanted by funds from the trust fund, the Board shall specify the amount by which education funding was supplanted. In this event, the Legislature shall not make any appropriations for the ensuing fiscal year until an appropriation in that amount is made to replenish the trust fund.

E. The provisions of this section shall not become effective if Enrolled House Bill No. 1278 of the 1st Session of the 49th Oklahoma Legislature is not approved by the people of this state.

Historical Data

Added by Laws 2003, SJR 22, § 1, State Question No. 706, Legis. Ref. No. 331, approved at the general election held November 2, 2004.

Oklahoma Lottery Statutes: effective 7/1/2013

Title 3A of the Oklahoma Statutes

Title 3A: Section 701 - Short Title

This act shall be known and may be cited as the "Oklahoma Education Lottery Act".

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 2, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 702 - Intent

It is the intent of the people of the State of Oklahoma:

1. That net proceeds of lottery games conducted pursuant to the Oklahoma Education Lottery Act shall be used to support improvements and enhancements for educational purposes and programs and that such net proceeds shall be used to supplement rather than replace existing resources for educational purposes and programs;
2. That there shall be created a public body, corporate and politic, known as the Oklahoma Lottery Commission, with powers as defined in the Oklahoma Education Lottery Act which shall be exercised for the benefit of the State of Oklahoma, and with requirements for full public disclosure of its operations and finances;
3. That lottery games shall be operated and managed in a manner which provides full and complete public disclosure of lottery operations, provides continuing entertainment to the public, maximizes net proceeds available for educational purposes and programs and ensures that the lottery is operated with integrity and dignity and free of political influence;
4. That the Oklahoma Lottery Commission be operated in such a manner that, after debt issued pursuant to the provisions of Section 33 of this act is repaid, it is self-sustaining and self-funded; and
5. That the Oklahoma Lottery Commission shall be accountable to the Legislature and to the people of this state through availability to the public of its records pursuant to the Oklahoma Open Records Act, access to meetings pursuant to the Oklahoma Open Meeting Act, and development and monitoring of a comprehensive system of public audits and reports.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 3, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 703 - Definitions

As used in the Oklahoma Education Lottery Act:

1. "Administrative expenses" means operating expenses, excluding amounts set aside for prizes, regardless of whether such prizes are claimed and excluding amounts deposited to the Fidelity Revolving Fund pursuant to Section 20 of this act;
2. "Board" means the board of trustees of the Oklahoma Lottery Commission;
3. "Capital outlay projects" means the acquisition, construction, installation, modification, renovation, repair, extension, renewal, replacement, or rehabilitation of land, interests in land, buildings, structures, facilities, or other improvements and the acquisition, installation, modification, renovation, repair, extension, renewal, replacement, rehabilitation, or furnishing of fixtures, machinery, equipment, computers, software, laboratories, furniture, textbooks, and reference material or other property of any nature whatsoever used on, in, or in connection with educational facilities;
4. "Commission" means the Oklahoma Lottery Commission;

5. "Educational facilities" means land, structures, and buildings owned or operated by and through the Oklahoma State Regents for Higher Education, the State Board of Education, the Oklahoma Department of Career and Technology Education, or by any school district within this state. A public road or highway leading to an educational facility shall not be considered an educational facility;
6. "Executive director" means the chief executive officer and administrator of the Oklahoma Lottery Commission;
7. "Gross proceeds" means all revenue derived from the sale of lottery tickets or shares and all other monies derived from the lottery;
8. "Instant ticket" means a lottery ticket that requires the player to remove a coating to determine if a prize has been won;
9. "Lottery", "lotteries", "lottery game", or "lottery games" means an activity conducted by the Commission under the Oklahoma Education Lottery Act through which prizes are awarded or distributed by chance among persons who have paid for a chance or other opportunity to receive a prize, including, but not limited to, instant tickets and on-line games, but excluding charity bingo and games conducted pursuant to the Oklahoma Charity Games Act, poker, blackjack, slot machines, pulltab machines, card games, dice, dominos, roulette wheels, or other similar forms of gambling, or electronic or video forms of these gambling activities, or games where winners are determined by the outcome of a sports contest, or pari-mutuel betting conducted pursuant to the Oklahoma Horse Racing Act;
10. "Major procurement contract" means any gaming product or service costing in excess of Twenty-five Thousand Dollars (\$25,000.00), including, but not limited to, major advertising contracts, annuity contracts, prize payment agreements, consulting services, equipment, tickets, and other products and services unique to the Oklahoma lottery, but not including materials, supplies, equipment, and services common to the ordinary operations of the Commission;
11. "Member" or "members" means a trustee or trustees of the board of trustees of the Oklahoma Lottery Commission;
12. "Member of a minority" means an individual who is a member of a race which comprises less than fifty percent (50%) of the total population of Oklahoma;
13. "Minority business" means any business which is owned by:
 - a. an individual who is a member of a minority who reports as the personal income of the individual for Oklahoma income tax purposes the income of the business,
 - b. a partnership in which a majority of the ownership interest is owned by one or more members of a minority who report as their personal income for Oklahoma income tax purposes more than fifty percent (50%) of the income of the partnership, or
 - c. a corporation organized under the laws of this state in which a majority of the common stock is owned by one or more members of a minority who report as their personal income for Oklahoma income tax purposes more than fifty percent (50%) of the distributed earnings of the corporation;
14. "Net proceeds" means all revenue derived from the sale of lottery tickets or shares and all other monies derived from the lottery less operating expenses;
15. "On-line games" means a game where tickets or shares are purchased through a network of computer terminals located at retail outlets, and such terminals are linked to a central computer that records the purchases;
16. "Operating expenses" means all costs of doing business, including but not limited to, prizes, commissions, and other compensation paid to retailers, advertising and marketing costs, personnel costs, capital costs, amounts held in or paid from the Fidelity Revolving Fund pursuant to Section 20 of this act, debt service payments for the payment of the initial expenses of start-up, administration, and operation of the Commission and the lottery, and other operating costs;
17. "Pari-mutuel betting" means the pari-mutuel system of wagering as defined in Section 200.1 of Title 3A of the Oklahoma Statutes. Such term shall not include a lottery game which may be predicated on a horse-racing scheme that does not involve actual track events or traditional lottery games which may involve the distribution of winnings by pools;
18. "Person" means any individual, corporation, partnership, unincorporated association, limited liability company, or other legal entity;

19. "Retailer" means a person who sells lottery tickets or shares on behalf of the Commission pursuant to a contract;
20. "Share" means any intangible evidence of participation in a lottery game;
21. "Ticket" means any tangible evidence issued by the lottery to provide participation in a lottery game; and
22. "Vendor" means a person who provides or proposes to provide goods or services to the Commission pursuant to a major procurement contract, but does not include an employee of the Commission, a retailer, or a state agency or instrumentality thereof. Such term does not include any corporation whose shares are publicly traded and which is the parent company of the contracting party in a major procurement contract.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 4, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 704 - Oklahoma Lottery Commission

There is hereby created a body corporate and politic to be known as the Oklahoma Lottery Commission which shall be deemed to be an instrumentality of the state. The principal office of the Commission shall be located in Oklahoma County, and the venue of any action against the Commission shall be Oklahoma County.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 5, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 705 - Board of Trustees - Members - Employment of Executive Director of Commission - Quorum - Meetings - Vacancies

- A. The Oklahoma Lottery Commission shall be governed by a board of trustees composed of seven (7) members to be appointed by the Governor with the advice and consent of the Senate. Not more than two members shall be appointed from any single congressional district.
- B. Members shall be residents of the State of Oklahoma, shall be prominent persons in their businesses or professions, and shall not have been convicted of any felony offense, and shall not be awaiting sentencing on a plea of guilt or nolo contendere to a felony offense. At least one member of the board shall be engaged in the practice of law, at least one member shall be engaged in the practice of accounting, and at least one member shall have expertise in marketing.
- C. Members shall serve terms of five (5) years, except that of the initial members appointed, one shall be appointed for an initial term of one (1) year, one shall be appointed for an initial term of two (2) years, one shall be appointed for an initial term of three (3) years, two shall be appointed for initial terms of four (4) years, and two shall be appointed for initial terms of five (5) years. Any vacancy occurring on the board shall be filled by the Governor by appointment with the advice and consent of the Senate for the remainder of the unexpired term.
- D. Members of the board shall not have any direct or indirect interest in an undertaking that puts their personal interest in conflict with that of the Commission, including, but not limited to, an interest in a major procurement contract or a participating retailer.
- E. Members of the board shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act.
- F. The members shall elect from their membership a chair, vice-chair, secretary, and treasurer. Such officers shall serve for such terms as shall be prescribed by the rules of the Commission or until their respective successors are elected and qualified. No member of the board shall hold more than any one office of the Commission at the same time, except that the same person may serve as secretary and treasurer.
- G. The board of trustees shall employ an executive director of the Commission.
- H. A majority of members in office shall constitute a quorum for the transaction of any business and for the exercise of any power or function of the Commission.

I. All meetings of the board shall be subject to the Oklahoma Open Meeting Act. Action may be taken and motions and resolutions adopted by the board at any meeting thereof by the affirmative vote of a majority of present and voting board members.

J. No vacancy in the membership of the board shall impair the right of the members to exercise all the powers and perform all the duties of the board.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 6, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 706 - Lottery Retailer Advisory Board - Appointment - Members - Terms - Meetings

A. The chair of the board of trustees of the Oklahoma Lottery Commission shall appoint a Lottery Retailer Advisory Board to be composed of ten (10) lottery retailers representing the broadest possible spectrum of geographical, racial, and business characteristics of lottery retailers. The function of the advisory board shall be to advise the board of trustees on retail aspects of the lottery and to present the concerns of lottery retailers throughout the state.

B. Members appointed to the Lottery Retailer Advisory Board shall serve terms of two (2) years. Five of the initial appointees shall serve initial terms of one (1) year.

C. Meetings of the advisory board shall be subject to the Oklahoma Open Meeting Act. Members of the advisory board shall serve without compensation or reimbursement of expenses. The advisory board may report to the board of trustees or to the oversight committee created in Section 35 of this act in writing at any time. The board of trustees may invite the advisory board to make an oral presentation to the board of trustees at regular meetings of the board.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 7, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 707 - Board of Trustees - Duties

The board of trustees of the Oklahoma Lottery Commission shall:

1. Approve, disapprove, amend, or modify the budget recommended by the executive director for the operation of the Commission;
2. Approve, disapprove, amend, or modify the terms of major lottery procurements recommended by the executive director;
3. Hear appeals of hearings required by the Oklahoma Education Lottery Act;
4. Promulgate rules relating to the conduct of lottery games; and
5. Perform such other functions as specified by the Oklahoma Education Lottery Act.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 8, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 708 - Executive Director - Appointment - Compensation - Duties

The board of trustees of the Oklahoma Lottery Commission shall appoint and shall provide for the compensation of an executive director who shall be an employee of the Commission and who shall direct the day-to-day operations and management of the Commission and shall be vested with those powers and duties specified by the board and by law. The executive director shall serve at the pleasure of the board.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 9, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 709 - Powers of the Oklahoma Lottery Commission

A. The Oklahoma Lottery Commission shall have any and all powers necessary or convenient to its usefulness in carrying out and effectuating the purposes and provisions of the Oklahoma Education Lottery Act which are not in conflict with the Oklahoma Constitution and laws of this state including, but not limited to, the following:

1. To sue and be sued in contract, equity, mandamus, and similar actions in its own name and to complain and defend in all courts;
2. To adopt and alter a seal;
3. To hold copyrights, trademarks, and service marks and enforce its rights with respect thereto;
4. To acquire or lease real property and make improvements thereon and acquire by lease or by purchase personal property, including, but not limited to, computers and intangible property, including, but not limited to, computer programs, systems, and software;
5. To enter into contracts to incur debt in its own name and enter into financing agreements with the state, agencies or instrumentalities of the state, or with any commercial financial institution or credit provider as provided in Section 732 of this title;
6. To select and contract with vendors and retailers;
7. To enter into contracts or agreements with state or local law enforcement agencies for the performance of law enforcement, background investigations, and security checks;
8. To administer oaths, take depositions, issue subpoenas, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence relative to any investigation or proceeding conducted by the Commission;
9. To enter into contracts of any and all types on such terms and conditions as the Commission may determine;
10. To advertise and promote the lottery and lottery games. None of the advertisement and promotion allowed by this paragraph shall involve children under the age of eighteen (18) in any manner; and
11. To act as a retailer, to conduct promotions which involve the dispensing of lottery tickets or shares, and to establish and operate a sales facility to sell lottery tickets or shares and any related merchandise.

B. The board of trustees of the Oklahoma Lottery Commission shall have any and all powers necessary or convenient to its usefulness in carrying out and effectuating the purposes and provisions of the Oklahoma Education Lottery Act which are not in conflict with the Oklahoma Constitution and laws of this state including, but not limited to, the following:

1. To adopt, amend, and repeal policies and procedures and to promulgate rules for the regulation of its affairs and the conduct of its business, to prescribe the duties of officers of the board, and to perform such other duties as may be required by law. In the promulgation of rules, the board shall be subject to the Administrative Procedures Act;
2. To procure insurance;
3. To initiate, supervise, and administer the operation of the lottery in accordance with the provisions of the Oklahoma Education Lottery Act and rules, policies, and procedures adopted pursuant thereto;
4. To enter into written agreements with one or more other states or sovereigns for the operation, participation in marketing, and promotion of a joint lottery or joint lottery games. Such an agreement may be entered into with a federally recognized Indian tribe only if a cooperative agreement authorizing the Commission to do so has been entered into by the Governor and such a tribe and has been further approved by the Joint Committee on State-Tribal Relations pursuant to the provisions of Section 1221 et seq. of Title 74 of the Oklahoma Statutes;
5. To direct the executive director to conduct or have conducted such market research as is necessary or appropriate, which may include an analysis of the demographic characteristics of the players of each lottery game and an analysis of advertising, promotion, public relations, incentives, and other aspects of communication; and
6. To adopt and amend such rules, policies, and procedures as necessary to implement its powers and duties, organize and operate the Commission, regulate the conduct of lottery games in general, and any other matters necessary or desirable for the efficient and effective operation of the lottery or the convenience of the public.

C. The powers enumerated in subsections A and B of this section are cumulative of and in addition to those powers enumerated elsewhere in the Oklahoma Education Lottery Act, and no such powers limit or restrict any other powers of the Oklahoma Lottery Commission or the board of trustees.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 10, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004; Amended by Laws 2011, HB 1321, c. 259, § 1 (superseded document available).

Title 3A: Section 710 - Board of Trustees - Rule-Making Power

The board of trustees of the Oklahoma Lottery Commission may promulgate rules regulating the conduct of lottery games in general, including, but not limited to, rules specifying:

1. The type of lottery games to be conducted, including, but not limited to, instant lotteries and other games traditional to the lottery;
2. The sale price of tickets or shares and the manner of sale. All sales shall be for cash or debit cards only and payment by checks, credit cards, charge cards, or any form of deferred payment is prohibited;
3. The number and amount of prizes;
4. The method and location of selecting or validating winning tickets or shares;
5. The manner and time of payment of prizes, which may include lump-sum payments or installments over a period of years;
6. The manner of payment of prizes to the holders of winning tickets or shares, including, without limitation, provision for payment of prizes by retailers not exceeding Six Hundred Dollars (\$600.00) after deducting the price of the ticket or share and after performing validation procedures appropriate to the game and as specified by the board. The board may provide for a limited number of retailers who can pay prizes of up to Five Thousand Dollars (\$5,000.00) after performing validation procedures appropriate to the game and as specified by the board without regard to where the ticket or share was purchased;
7. The frequency of games and drawings or selection of winning tickets or shares;
8. The means of conducting drawings;
9. The method to be used in selling tickets or shares;
10. The manner and amount of compensation to lottery retailers; and
11. Any other matters necessary to ensure the efficient and effective operation of lottery games, the continued entertainment and convenience of the public, and the integrity of the lottery.

The board of trustees shall not permit the operation of any lottery game using a video lottery machine. "Video lottery machine" means any electronic video game machine that, upon furnishing of consideration, is available to play or simulate the play of a video game, including, but not limited to, bingo and games conducted pursuant to the Oklahoma Charity Games Act, poker, blackjack, slot machines, pulltab machines, card games, dice, dominos, roulette wheels, or other similar forms of gambling, or games where winners are determined by the outcome of a sports contest, using a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash, coins or tokens, or that directly dispenses cash, coins or tokens.

Historical Data

Laws 2003, HB 1278, c. 58, § 11, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004; Amended by Laws 2005, HB 1649, c. 99, § 1, emerg. eff. April 25, 2005 (superseded document available); Amended by Laws 2018, HB 1303, c. 172, § 1, eff. November 1, 2018 (superseded document available).

Title 3A: Section 711 - Executive Director - Powers and Duties

A. The executive director of the Oklahoma Lottery Commission shall direct and supervise all administrative and technical activities in accordance with the provisions of the Oklahoma Education Lottery Act and with the rules promulgated by the board of trustees of the Oklahoma Lottery Commission. It shall be the duty of the executive director to:

1. Facilitate the initiation of and supervise and administer the operation of the lottery games;
2. Employ by contract and compensate such persons and firms as deemed necessary;
3. Promote or provide for promotion of the lottery and any functions related to the Commission;
4. Prepare a budget for the approval of the board;
5. Require bond from such retailers and vendors in such amounts as required by the board;
6. Report quarterly to the State Auditor and Inspector and the board a full and complete statement of lottery revenues and expenses for the preceding quarter; and
7. Perform other duties generally associated with an executive director or a chief executive officer of a state lottery.

B. In accordance with the provisions of the Oklahoma Education Lottery Act or the rules of the board, the executive director may for good cause suspend, revoke, or refuse to renew any contract entered into.

C. The executive director or designee may conduct hearings and administer oaths to persons for the purpose of assuring the security or integrity of lottery operations or to determine the qualifications of or compliance by vendors and retailers.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 12, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 712 - Employees of the Oklahoma Lottery Commission

A. The executive director of the Oklahoma Lottery Commission, with the approval of the board of trustees, shall employ such personnel as may be necessary to carry out the provisions of this act and shall set the compensation and terms of compensation of such employees. All offices, positions, and personnel of the Oklahoma Lottery Commission shall be in the unclassified service.

B. No employee of the Commission shall have a financial interest in any vendor doing business or proposing to do business with the Commission.

C. No employee of the Commission shall participate in any decision involving a retailer with whom the employee has a financial interest.

D. No employee of the Commission who leaves the employment of the Commission may represent any vendor or lottery retailer before the Commission for a period of two (2) years following termination of employment with the Commission.

E. A background investigation shall be conducted on each applicant who has reached the final selection process prior to employment by the Commission at the level of division director and above and at any level within any division of security and as otherwise required by the board of trustees of the Oklahoma Lottery Commission. The Commission shall pay for the actual cost of the investigations and shall contract with the Oklahoma State Bureau of Investigation for the performance of the investigations. The results of a background investigation shall not be considered a record open to the public pursuant to the Oklahoma Open Records Act.

F. No person who has been convicted of any felony or a misdemeanor involving illegal gambling or involving moral turpitude shall be employed by the Commission, nor shall the Commission employ a person who is awaiting sentencing on a plea of guilt or nolo contendere to such a felony or misdemeanor.

G. The Commission shall bond Commission employees with access to Commission funds or lottery revenue in an amount specified by the board and may bond other employees as deemed necessary.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 13, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 713 - Oklahoma Education Lottery Trust Fund - Appropriations - Examination - Oklahoma Education Lottery Revolving Fund - Investments

A. All gross proceeds shall be the property of the Oklahoma Lottery Commission. From its gross proceeds, the Commission shall pay the operating expenses of the Commission. At least forty-five percent (45%) of gross proceeds shall be made available as prize money. However, the provisions of this subsection shall be deemed not to create any lien, entitlement, cause of action, or other private right, and any rights of holders of tickets or shares shall be determined by the Commission in setting the terms of its lottery or lotteries.

B. For each fiscal year, the first Fifty Million Dollars (\$50,000,000.00) of net proceeds shall be transferred to the Oklahoma Education Lottery Trust Fund.

C. All of the proceeds remaining after the apportionment required by subsection B of this section shall be transferred to the Oklahoma Education Lottery Trust Fund as provided in Section 2 of this act. The Oklahoma Lottery Commission shall submit a written report of its findings and any recommendations regarding the impact of having the net proceeds minimum requirement set at a fixed dollar amount. The report shall be submitted to the Governor, the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate not later than October 1, 2019, and annually thereafter.

D. There is hereby created in the State Treasury a fund to be designated the "Oklahoma Education Lottery Trust Fund". Except as otherwise provided in subsections C, J and K of this section, on or before the fifteenth day of each calendar quarter, the Commission shall transfer to the State Treasurer, for credit to the Oklahoma Education Lottery Trust Fund, the amount of all net proceeds accruing during the preceding calendar quarter. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

E. Upon their deposit into the State Treasury, any monies representing a deposit of net proceeds shall then become the unencumbered property of this state, and neither the Commission nor the board of trustees shall have the power to agree or undertake otherwise. The monies shall be invested by the State Treasurer in accordance with state investment practices. All earnings attributable to such investments shall likewise be the unencumbered property of the state and shall accrue to the credit of the funds provided for in subsections B and C of this section.

F. Monies in the Oklahoma Education Lottery Trust Fund deposited pursuant to subsection B of this section shall only be appropriated as follows:

1. Forty-five percent (45%) for the following:
 - a. kindergarten through twelfth grade public education, including but not limited to compensation and benefits for public school teachers and support employees, and
 - b. early childhood development programs, which shall include but not be limited to costs associated with prekindergarten and full-day kindergarten programs;
2. Forty-five percent (45%) for the following:
 - a. tuition grants, loans and scholarships to citizens of this state to enable such citizens to attend colleges and universities located within this state, regardless of whether such colleges and universities are owned or operated by the Oklahoma State Regents for Higher Education, or to attend institutions operated under the authority of the Oklahoma Department of Career and Technology Education; provided such tuition grants, loans and scholarships shall not be made to a citizen of this state to attend a college or university which is not accredited by the Oklahoma State Regents for Higher Education,
 - b. construction of educational facilities for elementary school districts, independent school districts, The Oklahoma State System of Higher Education, and career and technology education,

- c. capital outlay projects for elementary school districts, independent school districts, The Oklahoma State System of Higher Education, and career and technology education,
- d. technology for public elementary school district, independent school district, state higher education, and career and technology education facilities, which shall include but not be limited to costs of providing to teachers at accredited public institutions who teach levels kindergarten through twelfth grade, personnel at technology centers under the authority of the Oklahoma State Department of Career and Technology Education, and professors and instructors within The Oklahoma State System of Higher Education, the necessary training in the use and application of computers and advanced electronic instructional technology to implement interactive learning environments in the classroom and to access the statewide distance learning network and costs associated with repairing and maintaining advanced electronic instructional technology,
- e. endowed chairs for professors at institutions of higher education operated by The Oklahoma State System of Higher Education, and
- f. programs and personnel of the Oklahoma School for the Deaf and the Oklahoma School for the Blind;

3. Five percent (5%) to the School Consolidation and Assistance Fund. When the total amount in the School Consolidation and Assistance Fund from all sources equals Five Million Dollars (\$5,000,000.00), all monies appropriated pursuant to this paragraph which would otherwise be deposited in the School Consolidation and Assistance Fund in excess of Five Million Dollars (\$5,000,000.00) shall be allocated by the State Department of Education to public schools based on the audited end-of-year average daily membership in grades 8 through 12 during the preceding school year for the purpose of purchasing technology equipment in order to conduct on-line testing as required by the Achieving Classroom Excellence Act of 2005. If at any time the total amount in the School Consolidation and Assistance Fund drops below Five Million Dollars (\$5,000,000.00), the monies appropriated pursuant to this paragraph shall be deposited in the School Consolidation and Assistance Fund until the Fund again reaches Five Million Dollars (\$5,000,000.00); and

4. Five percent (5%) to the Teachers' Retirement System Dedicated Revenue Revolving Fund.

In no instance shall the annual maximum percentage for administrative costs, not including marketing and advertising costs, funds set aside for prizes, commissions paid to retailers, contract fees paid to gaming system vendors and instant ticket providers or emergency-related capital expenses, exceed three percent (3%) of sales.

G. The Legislature shall appropriate funds from the Oklahoma Education Lottery Trust Fund only for the purposes specified in subsection F of this section and Section 2 of this act. Even when funds from the trust fund are used for these purposes, the Legislature shall not use funds from the trust fund to supplant or replace other state funds supporting common education, higher education, or career and technology education.

H. In order to ensure that the funds from the trust fund are used to enhance and not supplant funding for education, the State Board of Equalization shall examine and investigate appropriations from the trust fund each year. At the meeting of the State Board of Equalization held within five (5) days after the monthly apportionment in February of each year, the State Board of Equalization shall issue a finding and report which shall state whether appropriations from the trust fund were used to enhance or supplant education funding. If the State Board of Equalization finds that education funding was supplanted by funds from the trust fund, the Board shall specify the amount by which education funding was supplanted. In this event, the Legislature shall not make any appropriations for the ensuing fiscal year until an appropriation in that amount is made to replenish the trust fund.

I. Except as otherwise provided by this subsection, no deficiency in the Oklahoma Education Lottery Trust Fund shall be replenished by reducing any nonlottery funds, including specifically but without limitation, the General Revenue Fund, the Constitutional Reserve Fund or the Education Reform Revolving Fund of the State Department of Education. No program or project started specifically from lottery proceeds shall be continued from the General Revenue Fund, the Constitutional Reserve Fund or the Education Reform Revolving Fund of the State Department of Education. Such programs must be adjusted or discontinued according to available lottery proceeds unless the Legislature by general law establishes eligibility requirements and appropriates specific funds therefor. No surplus in the Oklahoma Education Lottery Trust Fund shall be reduced or transferred to correct any nonlottery deficiencies in sums available for general appropriations. The provisions of this subsection shall not

apply to bonds or other obligations issued pursuant to or to the repayment of bonds or other obligations issued pursuant to the Oklahoma Higher Education Promise of Excellence Act of 2005.

J. There is hereby created in the State Treasury a revolving fund to be designated the "Oklahoma Education Lottery Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Commission. The Commission shall make payments of net proceeds from the fund to the Oklahoma Education Lottery Trust Fund on or before the fifteenth day of each calendar quarter as provided in subsection D of this section. All monies accruing to the credit of the Oklahoma Education Lottery Revolving Fund are hereby appropriated and may be budgeted and expended for the payment of net proceeds, prizes, commissions to retailers, administrative expenses and all other expenses arising out of the operation of the education lottery, subject to the limitations provided in the Oklahoma Education Lottery Act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

The monies in the fund shall be invested by the State Treasurer in accordance with state investment practices. All earnings attributable to such investments shall likewise accrue to the credit of the fund.

K. When appropriations from the Oklahoma Education Lottery Trust Fund are made to common education pursuant to the provisions of paragraph 1 of subsection F of this section, the appropriations shall be made available on a monthly basis. In addition to the provisions of subsections D and E of this section, the following process shall be used to ensure that the appropriations are made available to common education in a timely manner:

1. Beginning in July of the fiscal year in which appropriations are made to common education from the Oklahoma Education Lottery Trust Fund, the Commission, on or before the ninth day of each month, shall transfer to the State Treasurer, for credit to the Oklahoma Education Lottery Trust Fund, the amount of net proceeds accruing during the preceding month equal to the amount of total monthly collections due to common education as required by paragraph 1 of subsection F of this section;
2. The Director of the Office of Management and Enterprise Services shall allocate the transfers provided for in paragraph 1 of this subsection to the State Department of Education on a monthly basis, not to exceed one-twelfth (1/12) of the annual apportionment for the fiscal year; and
3. The total amount of transfers to the Oklahoma Education Lottery Trust Fund of net lottery proceeds made pursuant to this subsection shall not exceed the total appropriations made to common education from the Oklahoma Education Lottery Trust Fund for the specific fiscal year.

L. When appropriations from the Oklahoma Education Lottery Trust Fund are made to The Oklahoma State System of Higher Education, the appropriations shall be made available to the System on a monthly basis. In addition to the provisions of subsections D and E of this section, the following process shall be used to ensure that the appropriations are made available to The Oklahoma State System of Higher Education in a timely manner:

1. Beginning in July of the fiscal year in which appropriations are made to The Oklahoma State System of Higher Education from the Oklahoma Education Lottery Trust Fund, the Commission, on or before the ninth day of each month, shall transfer to the State Treasurer, for credit to the Oklahoma Education Lottery Trust Fund, the amount of net proceeds accruing during the preceding month equal to the amount of total monthly collections due to the Oklahoma State Regents for Higher Education as required by paragraph 2 of subsection F of this section;
2. The Director of the Office of Management and Enterprise Services shall allocate the transfers provided for in paragraph 1 of this subsection to the Oklahoma State Regents for Higher Education on a monthly basis, not to exceed one-twelfth (1/12) of the annual apportionment for the fiscal year; and
3. The total amount of transfers to the Oklahoma Education Lottery Trust Fund of net lottery proceeds made pursuant to this subsection shall not exceed the total appropriations made to The Oklahoma State System for Higher Education from the Oklahoma Education Lottery Trust Fund for the specific fiscal year.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 14, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004; Amended by Laws 2005, SB 745, c. 218, § 13, emerg. eff. May 24, 2005

(superseded document available); Amended by Laws 2007, SB 820, c. 355, § 3, emerg. eff. June 4, 2007 (repealed by Laws 2008, SB 1830, c. 3, § 4, emerg. eff. February 28, 2008) (superseded document available); Amended by Laws 2007, SB 513, c. 336, § 1, emerg. eff. July 1, 2007 (superseded document available); Amended by Laws 2008, SB 1830, c. 3, § 3, emerg. eff. February 28, 2008 (superseded document available); Amended by Laws 2008, SB 1795, c. 389, § 1, emerg. eff. July 1, 2008 (superseded document available); Amended by Laws 2012, HB 3079, c. 304, § 27 (superseded document available); Amended by Laws 2017, HB 1837, c. 178, § 1 (superseded document available).

Title 3A: Section 713.1 - Oklahoma Education Lottery Trust Fund - Appropriations for Reading and STEM Initiatives

The portion of lottery annual net proceeds deposited to the Oklahoma Education Lottery Trust Fund that exceeds Fifty Million Dollars (\$50,000,000.00) shall be appropriated by the Legislature on a cash basis to be allocated by the State Department of Education to public schools based on the audited end-of-year average daily membership in grades PK-12 during the preceding school year for the purpose of implementing prekindergarten-through-third-grade reading intervention initiatives or science, technology, engineering and math (STEM) programs.

Historical Data

Laws 2017, HB 1837, c. 178, § 2.

Title 3A: Section 714 - Commission Contracts With Minority Businesses

It is the intent of the people of this state that the Oklahoma Lottery Commission encourage minority businesses to participate in contracts with the Commission. Accordingly, the board of trustees of the Oklahoma Lottery Commission shall adopt a plan which achieves to the greatest extent possible a level of participation by minority businesses taking into account the total number of all retailers and vendors, including any subcontractors. The Commission shall undertake training programs and other educational activities to enable minority businesses to compete for contracts on an equal basis. The board shall monitor the results of minority business participation and shall report the results of minority business participation to the Governor and the Legislature at least on an annual basis.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 15, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 715 - Lottery System Vendors - Financial Responsibility, Security, and Integrity

A. The Oklahoma Lottery Commission shall investigate the financial responsibility, security, and integrity of any lottery system vendor who is a finalist in submitting a bid, proposal, or offer as part of a major procurement. At the time of submitting such bid, proposal, or offer to the Commission, the Commission may require the following items:

1. A disclosure of the name and address of the vendor and, as applicable, the names and addresses of the following:
 - a. if the vendor is a corporation, the officers, directors, and each stockholder of the corporation. In the case of owners of equity securities of a publicly traded corporation, only the names and addresses of those known to the corporation to own beneficially five percent (5%) or more of such securities need be disclosed,
 - b. if the vendor is a trust, the trustee and all persons entitled to receive income or benefits from the trust,
 - c. if the vendor is an association, the members, officers, and directors, and
 - d. if the vendor is a partnership, limited liability company or joint venture, all of the general partners, limited partners, members or joint venturers;
2. A disclosure of all the states and jurisdictions in which the vendor does business and the nature of the business for each such state or jurisdiction;

3. A disclosure of all the states and jurisdictions in which the vendor has contracts to supply gaming goods or services, including, but not limited to, lottery goods and services, and the nature of the goods or services involved for each such state or jurisdiction;
4. A disclosure of all the states and jurisdictions in which the vendor has applied for, has sought renewal of, has received, has been denied, has pending, or has had revoked a lottery or gaming license of any kind or had fines or penalties assessed to the license, contract, or operation of the vendor and the disposition of such in each such state or jurisdiction. If any lottery or gaming license or contract has been revoked or has not been renewed or any lottery or gaming license or application has been either denied or is pending and has remained pending for more than six (6) months, all of the facts and circumstances underlying the failure to receive such a license shall be disclosed;
5. A disclosure of the details of any finding, conviction, or adjudication of guilt of the vendor, or a person named pursuant to the provisions of paragraph 1 of this subsection with respect to such vendor, in a state or federal court for any felony or any other criminal offense other than a traffic violation. If the vendor, or a person named pursuant to the provisions of paragraph 1 of this subsection with respect to such vendor, is awaiting sentencing on a plea of guilt or nolo contendere to a felony or any other criminal offense other than a traffic violation, disclosure of the details of any such plea shall also be made pursuant to the provisions of this paragraph;
6. A disclosure of the details of any bankruptcy, insolvency, reorganization, or corporate or individual purchase or takeover of another corporation, including bonded indebtedness, or any pending litigation of the vendor, or a person named pursuant to the provisions of paragraph 1 of this subsection with respect to such vendor; and
7. Such additional disclosures and information as the Commission may determine to be appropriate for the procurement involved.

All disclosures provided by this section shall be furnished to the Oklahoma State Bureau of Investigation at least fourteen (14) days prior to the awarding of the contract and any analysis of the disclosures provided by the Oklahoma State Bureau of Investigation shall be considered by the Commission.

If at least twenty-five percent (25%) of the cost of the contract of a vendor is subcontracted, the vendor shall disclose all of the information required by this subsection for the subcontractor as if the subcontractor were itself a vendor.

- B. A lottery procurement contract shall not be entered into with any lottery system vendor who has not complied with the disclosure requirements described in subsection A of this section, and any contract with such a vendor is voidable at the option of the Commission. Any contract with a vendor who does not comply with the requirements for periodically updating the disclosures during the tenure of contract as may be specified in the contract may be terminated by the Commission. The provisions of this section shall be construed broadly and liberally to achieve the ends of full disclosure of all information necessary to allow for a full and complete evaluation by the Commission of the competence, integrity, background, and character of vendors for major procurements.
- C. A major procurement contract shall not be entered into with any vendor if the vendor or a person associated with the vendor named pursuant to the provisions of paragraph 1 of subsection A of this section has been found guilty of a felony related to the security or integrity of the lottery in this or any other jurisdiction, or is awaiting sentencing on a plea of guilt or nolo contendere to the same type of felony.
- D. A major procurement contract shall not be entered into with any vendor that has an ownership interest in an entity that had supplied consultation services under contract to the Commission regarding the request for proposals pertaining to those particular goods or services.
- E. No lottery system vendor nor any applicant for a major procurement contract may pay, give, or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service, to the executive director, any member of the board of trustees of the Oklahoma Lottery Commission, or any employee of the Commission, or to any person related to any such person within the third degree of consanguinity or affinity.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 16, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 716 - Vendors - Performance Bonds - Competitive Bids - Tax Returns - Substantial Financial Interest of State Official

A. Each vendor shall, at the execution of the contract with the Oklahoma Lottery Commission, post a performance bond or letter of credit from a bank or credit provider acceptable to the Commission in an amount as deemed necessary by the Commission for that particular bid or contract. In lieu of the bond, a vendor may, to assure the faithful performance of its obligations, deposit and maintain with the Commission securities that are interest bearing or accruing and that are rated in one of the three highest classifications by an established nationally recognized investment rating service. Securities eligible under this subsection are limited to:

1. Certificates of deposit issued by solvent banks or savings associations approved by the Commission and which are organized and existing under the laws of this state or under the laws of the United States;
2. United States bonds, notes, and bills for which the full faith and credit of the government of the United States is pledged for the payment of principal and interest; and
3. Corporate bonds approved by the State Treasurer. The corporation which issued the bonds shall not be an affiliate or subsidiary of the depositor. The securities shall be held in trust and shall have at all times a market value at least equal to the full amount estimated to be paid annually to the lottery vendor under contract.

B. Each vendor shall be qualified to do business in this state and shall file appropriate tax returns as provided by the laws of this state. All contracts under this section shall be governed by the laws of this state.

C. No contract shall be let with any vendor in which a state elected official has a substantial financial interest. A substantial financial interest includes, but is not limited to, an ownership interest of five percent (5%) or more in a business enterprise.

D. All major procurement contracts must be competitively bid pursuant to the Oklahoma Central Purchasing Act. On all such contracts, the Director of Central Purchasing shall cooperate with the Commission in the drafting of bid specifications and the selection of vendors to allow the selection of vendors that provide the greatest long-term benefit to the state, the greatest integrity for the Commission, and the best service and products for the public.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 17, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 717 - Qualification, Compensation, and Participation of Lottery Retailers - Lottery Retailer Contracts

A. The people of this state recognize that to conduct a successful lottery, the Oklahoma Lottery Commission must develop and maintain a statewide network of lottery retailers that will serve the public convenience and promote the sale of tickets or shares and the playing of lottery games while ensuring the integrity of the lottery operations, games, and activities.

B. The Commission shall make every effort to provide small retailers a chance to participate in the sales of lottery tickets or shares.

C. The Commission shall provide for compensation to lottery retailers in the form of commissions in an amount of not less than two percent (2%) of gross sales and may provide for other forms of compensation for services rendered in the sale or cashing of lottery tickets or shares.

D. The Commission shall issue a certificate of authority to each person with whom it contracts as a retailer for purposes of display for each location at which tickets or shares are offered for sale. Every lottery retailer shall post and keep conspicuously displayed in a location on the premises accessible to the public its certificate of authority. No certificate of authority shall be assignable or transferable.

E. The board of trustees of the Oklahoma Lottery Commission shall develop a list of objective criteria upon which the qualification of lottery retailers shall be based. Separate criteria shall be developed to govern the selection of retailers of instant tickets. In developing these criteria, the board shall consider such factors as the

financial responsibility of the applicant, security of the place of business or activity of the applicant, accessibility to the public, integrity, and reputation. The board shall not consider political affiliation, activities, or contributions to political committees or candidates for any public office. The criteria shall include, but not be limited to, the following:

1. The applicant shall be current in filing all applicable tax returns to the State of Oklahoma and in payment of all taxes, interest, and penalties owed to the State of Oklahoma, excluding items under formal appeal pursuant to applicable statutes. An applicant who has entered into and is abiding by a payment agreement with the Oklahoma Tax Commission shall be deemed current in payment of such taxes, penalties and interest. Notwithstanding the provisions of Section 205 of Title 68 of the Oklahoma Statutes, the Oklahoma Tax Commission shall provide this information to the Commission;
2. No person, partnership, unincorporated association, corporation, or other business entity or principal, officer or director of a corporation or other business entity shall be selected as a lottery retailer who:
 - a. has been convicted of or is awaiting sentencing on a plea of guilt or nolo contendere to a criminal offense related to the security or integrity of the lottery in this or any other jurisdiction,
 - b. has been convicted of or is awaiting sentencing on a plea of guilt or nolo contendere to any illegal gambling activity, false statements, false swearing, or perjury in this or any other jurisdiction or convicted of or is awaiting sentencing on a plea of guilt or nolo contendere to any crime punishable by more than one (1) year of imprisonment or a fine of more than One Thousand Dollars (\$1,000.00) or both, unless the civil rights of the person have been restored and at least five (5) years have elapsed from the date of the completion of the sentence without a subsequent conviction of a crime described in this subparagraph,
 - c. has been found to have violated the provisions of the Oklahoma Education Lottery Act or any rule, policy, or procedure of the Commission unless either ten (10) years have passed since the violation or the board finds the violation both minor and unintentional in nature,
 - d. is a vendor or any employee or agent of any vendor doing business with the Commission,
 - e. resides in the same household as the executive director, any board member, or any employee of the Commission,
 - f. has made a statement of material fact to the Commission knowing such statement to be false, or
 - g. is engaged exclusively in the business of selling lottery tickets or shares. This subparagraph shall not preclude the Commission from selling or giving away lottery tickets or shares for promotional purposes;
3. Persons applying to become lottery retailers shall be charged a uniform application fee for each lottery outlet;
4. Any lottery retailer contract executed pursuant to this section may, for good cause, be suspended, revoked, or terminated by the executive director or designee if the retailer is found to have violated any provisions of the Oklahoma Education Lottery Act or objective criteria established by the board. Review of such activities shall be in accordance with the procedures outlined in the Oklahoma Education Lottery Act and shall not be subject to the Administrative Procedures Act; and
5. All lottery retailer contracts may be renewable annually in the discretion of the Commission unless sooner canceled or terminated.

F. No certificate of authority to act as a lottery retailer shall be issued to any applicant doing business or who holds a license to do business as a pawnbroker, supervised lender, or deferred deposit lender, also known as a payday lender, or whose primary business is categorized as a check casher.

G. No lottery retailer or applicant to be a lottery retailer shall pay, give, or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service, to the executive director, any board member, or any employee of the Commission, or to any person related to any such person within the third degree of consanguinity or affinity.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 18, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004; Amended by Laws 2006, SB 1089, c. 153, § 1, emerg. eff. May 15, 2006.

Title 3A: Section 718 - No Assignment or Transfer of Lottery Retailer Contract - Certificate Required for Sale of Lottery Ticket or Share

A. No lottery retailer contract shall be transferable or assignable. No lottery retailer shall contract with any person for lottery goods or services except with the approval of the board of trustees of the Oklahoma Lottery Commission.

B. Lottery tickets and shares shall only be sold by the retailer stated on the lottery retailer certificate.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 19, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 719 - Fidelity Revolving Fund

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Lottery Commission to be designated the "Fidelity Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Commission as provided in this section. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. The Commission shall assess each retailer an annual fee not to exceed One Hundred Dollars (\$100.00) per sales location, to be deposited to the Fidelity Revolving Fund. The monies in the fund shall be invested by the State Treasurer in accordance with state investment practices. All earnings attributable to such investments shall likewise accrue to the credit of the fund. Monies deposited to the fund shall be used to contract with the Oklahoma State Bureau of Investigation and the State Auditor and Inspector for the investigations, reviews and audits provided for herein. Any full-time employees retained by the Oklahoma State Bureau of Investigation or the State Auditor and Inspector for the purpose of performing duties pursuant to such contracts shall not be counted against any limits on full-time employees for such agencies. Monies deposited to the fund may also be used to cover losses the Commission experiences due to nonfeasance, misfeasance, or malfeasance of a lottery retailer. In addition, the funds may be used to purchase blanket bonds covering the Commission against losses from all retailers. At the end of each fiscal year, the Commission shall pay to the Oklahoma Education Lottery Trust Fund any amount in the Fidelity Revolving Fund which exceeds the budgeted expenses from the fund for the next fiscal year plus Five Hundred Thousand Dollars (\$500,000.00), and such funds shall be commingled with and treated as net proceeds from the lottery.

B. A reserve account may be established as a general operating expense to cover amounts deemed uncollectible. The Commission shall establish procedures for minimizing any losses that may be experienced for the foregoing reason and shall exercise and exhaust all available options in such procedures prior to amounts being written off to this account.

C. Except as otherwise provided in subsection D of this section, the Commission shall require all retailers to post an appropriate bond, as determined by the Commission, using an insurance company acceptable to the Commission.

D. 1. In its discretion, in lieu of the bond required in subsection C of this section, the Commission may allow a retailer to deposit and maintain with the Commission securities that are interest bearing or accruing. Securities eligible under this paragraph shall be limited to:

- a. certificates of deposit issued by solvent banks or savings associations organized and existing under the laws of this state or under the laws of the United States,
- b. United States bonds, notes, and bills for which the full faith and credit of the United States is pledged for the payment of principal and interest, and
- c. federal agency securities issued by an agency or instrumentality of the United States government.

2. The securities shall be held in trust in the name of the Oklahoma Lottery Commission.

Historical Data

Laws 2003, HB 1278, c. 58, § 20, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004; Amended by Laws 2012, HB 3079, c. 304, § 28 (superseded document available).

Title 3A: Section 720 - Retail Contracts - Required Terms - Cancellation, Revocation, Denial of Contract - Hearing and Appeal

A. Any retail contract executed by the Oklahoma Lottery Commission pursuant to the Oklahoma Education Lottery Act shall specify the reasons for which a contract may be canceled, suspended, revoked, or terminated by the Commission, which reasons shall include but not be limited to:

1. Commission of a violation of the Oklahoma Education Lottery Act, a rule, or a policy or procedure of the Commission;
2. Failure to accurately or timely account for lottery tickets, lottery games, revenues, or prizes as required by the Commission;
3. Commission of any fraud, deceit, or misrepresentation;
4. Insufficient sales;
5. Conduct prejudicial to public confidence in the lottery;
6. The retailer filing for or being placed in bankruptcy or receivership;
7. Any material change in any matter considered by the Commission in executing the contract with the retailer, as determined in the sole discretion of the Commission; or
8. Failure to meet any of the objective criteria established by the Commission pursuant to the Oklahoma Education Lottery Act.

B. If, in the discretion of the executive director or designee, cancellation, denial, revocation, suspension, or rejection of renewal of a lottery retailer contract is in the best interest of the lottery, the public welfare, or the State of Oklahoma, the executive director or designee may cancel, suspend, revoke, or terminate, after notice and a right to a hearing, any contract issued pursuant to the Oklahoma Education Lottery Act. A contract may be temporarily suspended by the executive director or designee without prior notice pending any prosecution, hearing, or investigation, whether by a third party or by the executive director. A contract may be suspended, revoked, or terminated by the executive director or designee for any one or more of the reasons enumerated in this section. Any hearing held shall be conducted by the executive director or designee. A party to the contract aggrieved by the decision of the executive director or designee may appeal the adverse decision to the board of trustees of the Oklahoma Lottery Commission. The appeal shall be pursuant to the rules set by the board and is not subject to Article II of the Administrative Procedures Act.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 21, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 721 - Lottery Retailers' Fiduciary Duties - Preserving, Accounting, and Payment of Lottery Proceeds to Commission - Death or Insolvency

A. All proceeds from the sale of the lottery tickets or shares shall constitute a trust fund until paid to the Oklahoma Lottery Commission either directly or through the authorized collection representative of the Commission. A lottery retailer and officers of the business of a lottery retailer shall have a fiduciary duty to preserve and account for lottery proceeds, and lottery retailers shall be personally liable for all proceeds. Proceeds shall include unsold instant tickets received by a lottery retailer and cash proceeds of the sale of any lottery products, net of allowable sales commissions and credit for lottery prizes, sold to or paid to winners by lottery retailers. Sales proceeds and unused instant tickets shall be delivered to the Commission or its authorized collection representative upon demand.

B. All lottery proceeds due to the Commission shall be considered state funds. The Commission shall require retailers to place all lottery proceeds due the Commission in accounts in institutions insured by the Federal Deposit Insurance Corporation not later than the close of the next banking day after the date of their collection by the retailer until the date they are paid over to the Commission. At the time of the deposit, lottery proceeds shall

be deemed to be the property of the Commission. The Commission may require a retailer to establish a single separate electronic funds transfer account, where available, for the purpose of receiving monies from ticket or share sales, making payments to the Commission, and receiving payments for the Commission. Unless otherwise authorized in writing by the Commission, each lottery retailer shall establish a separate bank account for lottery proceeds which shall be kept separate and apart from all other funds and assets and shall not be commingled with any other funds or assets.

C. Whenever a person who receives proceeds from the sale of lottery tickets or shares in the capacity of a lottery retailer becomes insolvent or dies insolvent, the proceeds in any account established pursuant to the provisions of subsection B of this section due to the Commission from the person or the estate of the person shall have preference over all debts or demands.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 22, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 722 - Contractual Computation of Lottery Retailer's Rental Payments Based on Percentage of Retail Sales

If the rental payments for the business premises of a lottery retailer are contractually computed, in whole or in part, on the basis of a percentage of retail sales and such computation of retail sales is not explicitly defined to include sales of tickets or shares in a state-operated or state-managed lottery, only the compensation received by the lottery retailer from the Oklahoma Lottery Commission may be considered the amount of the lottery retail sale for purposes of computing the rental payment.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 23, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 723 - Unlawful Sales of Lottery Tickets or Shares

A. No person shall sell a ticket or share at a price other than established by the Oklahoma Lottery Commission unless authorized in writing by the executive director. No person other than a duly certified lottery retailer shall sell lottery tickets or shares. This subsection shall not be construed to prevent a person who may lawfully purchase tickets or shares from making a gift of lottery tickets or shares to another. Nothing in the Oklahoma Education Lottery Act shall be construed to prohibit the Commission from designating certain of its agents and employees to sell or give lottery tickets or shares directly to the public.

B. Lottery tickets or shares may be given by retailers as a means of promoting goods or services to customers or prospective customers eighteen (18) years of age or older subject to prior approval by the Commission.

C. No lottery retailer shall sell a lottery ticket or share except from the locations listed in the contract of the retailer and as evidenced by the certificate of authorization unless the Commission authorizes in writing any temporary location not listed in the contract.

D. No lottery tickets or shares shall be sold or given to persons under eighteen (18) years of age, and no prize or any portion of a prize shall be paid upon any ticket that was purchased by a person under eighteen (18) years of age.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 24, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 723.1 - Authorization of Lottery Ticket Sales to Oklahoma Lottery Commission Employees for Investigative Purposes

Officers and employees whose duties require participation in investigations conducted by the Oklahoma Lottery Commission may purchase lottery tickets only when such actions are part of an official lottery investigation that is approved in advance by the Executive Director or their designee. No ticket purchased may be shared or assigned in any manner to an otherwise eligible participant. The officer or employee authorized to purchase a

ticket pursuant to this section shall not retain any prize or winnings that may result from the winning ticket nor have a right to any prize or winnings. As such, no resulting prize shall be assignable pursuant to paragraph 1 of subsection C of Section 724 of Title 3A of the Oklahoma Statutes.

Historical Data

Laws 2018, SB 1134, c. 70, § 1, eff. November 1, 2018.

Title 3A: Section 724 - Prize Proceeds, Payments, and Claims - Limitation on Liability of Commission - Unclaimed Prize Money

- A. Proceeds of any lottery prize shall be subject to the Oklahoma state income tax.
- B. Attachments, garnishments, or executions authorized and issued pursuant to law shall be withheld if timely served upon the Oklahoma Lottery Commission. This subsection shall not apply to payment of prizes by a retailer.
- C. The Commission shall adopt policies and procedures to establish a system of verifying the validity of tickets or shares claimed to win prizes and to effect payment of the prizes, except that:
1. No prize, any portion of a prize, or any right of any person to a prize awarded shall be assignable. Any prize or any portion of a prize remaining unpaid at the death of a prize winner shall be paid to the estate of the deceased prize winner or to the trustee of a trust established by the deceased prize winner as settlor if a copy of the trust document or instrument has been filed with the Commission along with a notarized letter of direction from the settlor and no written notice of revocation has been received by the Commission prior to the death of the settlor. Following the death of a settlor and prior to any payment to a successor trustee, the Commission shall obtain from the trustee a written agreement to indemnify and hold the Commission harmless with respect to any claims that may be asserted against the Commission arising from payment to or through the trust. Notwithstanding any other provisions of this section, any person, pursuant to an appropriate judicial order, shall be paid the prize to which a winner is entitled;
 2. No prize shall be paid arising from claimed tickets that are:
 - a. stolen, counterfeit, altered, fraudulent, unissued, produced or issued in error, unreadable, not received, or not recorded by the Commission within applicable deadlines,
 - b. lacking in captions that conform and agree with the play symbols as appropriate to the particular lottery game involved, or
 - c. not in compliance with such additional public or confidential validation and security tests of the Commission appropriate to the particular lottery game involved;
 3. No particular prize in any lottery game shall be paid more than once, and in the event of a determination that more than one claimant is entitled to a particular prize, the sole remedy of the claimants is the award to each of them of an equal share in the prize;
 4. A holder of a winning cash ticket or share from a lottery game shall claim a cash prize within one hundred eighty (180) days, or for a multistate or multisoovereign lottery game within one hundred eighty (180) days, after the drawing in which the cash prize was won. In any Oklahoma lottery game in which the player may determine instantly if the player has won or lost, the player shall claim a cash prize within ninety (90) days, or for a multistate lottery game within one hundred eighty (180) days, after the end of the lottery game. If a valid claim is not made for a cash prize within the applicable period, the cash prize shall constitute an unclaimed prize for purposes of the Oklahoma Education Lottery Act;
 5. Any person or persons claiming a lottery prize exceeding Six Hundred Dollars (\$600.00) shall provide the Commission with their name, address, social security number, and sufficient valid identification as proof of the same prior to payment of the prize by the Commission; and
 6. Any person or persons claiming a lottery prize exceeding Six Hundred Dollars (\$600.00) as a trust shall provide for each person entitled to any portion of the prize their name, address, social security number, and sufficient valid identification as proof of the same prior to payment of the prize by the Commission except that such information specified in this paragraph shall be confidential and not subject to the provisions of the Oklahoma Open Records Act.
- D. No prize shall be paid upon a ticket or share purchased or sold in violation of the Oklahoma Education Lottery Act. Any such prize shall constitute an unclaimed prize for purposes of the Oklahoma Education Lottery Act.

E. The Commission is discharged of all liability upon payment of a prize.

F. No ticket or share shall be purchased by and no prize shall be paid to any member of the board of trustees of the Oklahoma Lottery Commission, any officer or employee of the Commission, or to any spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of residence of any such person. No ticket or share shall be purchased by and no prize shall be paid to any officer, employee, agent, or subcontractor of any vendor or to any spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of residence of any such person if the officer, employee, agent, or subcontractor has access to confidential information which may compromise the integrity of the lottery.

G. Unclaimed prize money shall not constitute net lottery proceeds. The first Seven Hundred Fifty Thousand Dollars (\$750,000.00) of unclaimed prize money accruing annually shall be transferred to the Department of Mental Health and Substance Abuse Services for the treatment of compulsive gambling disorder and educational programs related to such disorder. All other unclaimed prize money shall be added to the pool from which future prizes are to be awarded or used for special prize promotions.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 25, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004. Amended by Laws 2005, SB 880, c. 365, § 1, emerg. eff. June 6, 2005. Amended by Laws 2007, SB513, c.336, § 2, emerg. eff. July 1, 2007 ([superseded document available](#)); Amended by Laws 2013, HB 1532, c. 161, § 1, emerg. eff. July 1, 2013 ([superseded document available](#))..

Title 3A: Section 724.1 - Withholding Amount of Delinquent Debt as Established by Department of Human Services from Lottery Prize Monies

A. The Oklahoma Lottery Commission shall withhold the amount of delinquent debt as established by the Department of Human Services from the lottery prize monies won by an individual pursuant to Section 710 of Title 3A of the Oklahoma Statutes.

B. The Oklahoma Lottery Commission shall pay the monies withheld from the lottery prize, as provided in subsection A of this section, to the Oklahoma Department of Human Services, not to exceed the amount of debt established by the Oklahoma Department of Human Services.

C. The Commission for Human Services shall promulgate rules to define the debts that will be submitted to the Oklahoma Lottery Commission for withholding.

D. The Commission for Human Services shall develop procedures for notifying the Oklahoma Lottery Commission of the debts that should be processed for withholding. The information on debt withholding will be reported to the Oklahoma Lottery Commission on a periodic basis and should include, but not be limited to:

1. Identification of the individuals who have been determined to be delinquent in the repayment of debt established by the Oklahoma Department of Human Services; and
2. The amounts of debt to be withheld by the Oklahoma Lottery Commission.

E. The Oklahoma Lottery Commission shall provide a report to the Oklahoma Department of Human Services upon withholding that includes, but is not limited to, the following information:

1. Identification of the individuals who have had monies withheld; and
2. The amount of monies that will be paid to the Oklahoma Department of Human Services to be applied to the established debt.

Historical Data

Added by Laws 2005, HB 1649, c. 99, § 2, emerg. eff. April 25, 2005.

Title 3A: Section 724.2 - Withholding Amount of Delinquent Debt as Established by the Oklahoma Tax Commission from Lottery Prize Monies

A. The Oklahoma Lottery Commission shall withhold the amount of delinquent debt as established by the Oklahoma Tax Commission from the lottery prize monies won by an individual pursuant to Section 710 of Title 3A of the Oklahoma Statutes.

B. The Oklahoma Lottery Commission shall pay the monies withheld from the lottery prize, as provided in subsection A of this section, to the Oklahoma Tax Commission, not to exceed the amount of debt established by the Oklahoma Tax Commission.

C. The Oklahoma Tax Commission shall promulgate rules to define the debts that will be submitted to the Oklahoma Lottery Commission for withholding.

D. The Oklahoma Tax Commission shall develop procedures for timely notifying the Oklahoma Lottery Commission of the debts that should be processed for withholding. The information on debt withholding will be reported to the Oklahoma Lottery Commission on a periodic basis and should include, but not be limited to:

1. Identification of the persons who have been determined to be delinquent in the repayment of debt established by the Oklahoma Tax Commission; and
2. The amounts of debt to be withheld by the Oklahoma Lottery Commission.

E. The Oklahoma Lottery Commission shall provide a report to the Oklahoma Tax Commission upon withholding that includes, but is not limited to, the following information:

1. Identification of the persons who have had monies withheld; and
2. The amount of monies that will be paid to the Oklahoma Tax Commission to be applied to the established debt.

Historical Data

Added by Laws 2007, SB513, c. 336, § 3, emerg. eff. July 1, 2007.

Title 3A: Section 724.3 – Withholding Debt as Established by the Oklahoma Employment Security Commission from Lottery Prize Monies

A. The Oklahoma Lottery Commission shall withhold the amount of delinquent debt as established by the Oklahoma Employment Security Commission from the lottery prize monies won by an individual pursuant to Section [710](#) of Title 3A of the Oklahoma Statutes.

B. The Oklahoma Lottery Commission shall pay the monies withheld from the lottery prize, as provided in subsection A of this section, to the Oklahoma Employment Security Commission, not to exceed the amount of debt established by the Oklahoma Employment Security Commission.

C. The Oklahoma Employment Security Commission shall promulgate rules to define the debts that will be submitted to the Oklahoma Lottery Commission for withholding.

D. The Oklahoma Employment Security Commission shall develop procedures for timely notifying the Oklahoma Lottery Commission of the debts that should be processed for withholding. The information on debt withholding shall be reported to the Oklahoma Lottery Commission on a periodic basis and should include, but not be limited to:

1. Identification of the persons who have been determined to be delinquent in the repayment of debt established by the Oklahoma Employment Security Commission; and
2. The amounts of debt to be withheld by the Oklahoma Lottery Commission.

E. The Oklahoma Lottery Commission shall provide a report to the Oklahoma Employment Security Commission upon withholding that includes, but is not limited to, the following information:

1. Identification of the persons who have had monies withheld; and
2. The amount of monies that shall be paid to the Oklahoma Employment Security Commission to be applied to the established debt.

Historical Data

Added by Laws 2007, SB 513, c. 336, § 4, emerg. eff. July 1, 2007; Amended by Laws 2010, HB 2333, c. 214, § 1, emerg. eff. July 1, 2010 *{this section was inserted in 2010 and the old 724.3 was moved to 724.4}*

Title 3A: Section 724.4 – Total Prize Withholdings Exceeding Amount of Prize Remaining After Tax - Order of Withholdings

If the total withholdings from lottery prizes required by Oklahoma law exceed the amount of the prize remaining

after deduction of the required state and federal income tax withholdings, the withholdings shall be made in the following order:

1. Withholdings to the Department of Human Services pursuant to Section 724.1 of Title 3A of the Oklahoma Statutes;
2. Withholdings to the Oklahoma Tax Commission pursuant to Section 724.2 of Title 3A of the Oklahoma Statutes; and
3. Withholdings to the Oklahoma Employment Security Commission pursuant to Section 1 of this act.

Historical Data

Added by Laws 2010, HB 2333, c. 214, § 2, emerg. eff. July 1, 2010. *{prior to 2010, this section was Section 724.3; it was amended in 2010 and re-numbered as 724.4 when a new 724.3 was added }*

Title 3A: Section 724.5 - Providing for the Use of a Web Application for Lottery-Sponsored Promotions

A. Entries submitted by lottery players to the Oklahoma Lottery Commission for lottery-sponsored promotions and second-chance drawing promotions offered by the Commission may be submitted using a web application provided or sponsored by the Commission. All entries for lottery-sponsored promotions and second-chance drawing promotions shall be legally obtained from the Commission in one of the following ways:

1. Purchase of lottery tickets from the Commission or a lottery retailer;
2. Receipt of an entry-eligible lottery ticket from the Commission or from a lottery retailer; or
3. Receipt of a promotional entry from the Commission or a lottery retailer.

B. The process to submit entries to lottery-sponsored promotions and second-chance drawing promotions provided by subsection A of this section shall not be construed as illegal Internet gambling activities. If passage of this section of law is deemed by a court of law to allow any other form of Internet gambling activities in the state, then this section of law shall be rendered null and void.

Historical Data

Laws 2018, HB 3538, c. 124, § 1, eff. November 1, 2018.

Title 3A: Section 725 - Applicability of Open Records Act - Criminal Background Investigations of Vendors and Retailers - Inspections - Violations

A. Except as authorized in the Oklahoma Education Lottery Act, the Oklahoma Lottery Commission is subject to the provisions of the Oklahoma Open Records Act. The Commission may determine which information relating to the operation of the lottery is confidential as provided in the Oklahoma Open Records Act. Such information includes trade secrets, security measures, systems, or procedures, security reports, information concerning bids or other contractual data, the disclosure of which would impair the efforts of the Commission to contract for goods or services on favorable terms, employee personnel information unrelated to compensation, duties, qualifications, or responsibilities, and information obtained pursuant to investigations which is otherwise confidential.

Information deemed confidential pursuant to this section is exempt from the provisions of the Oklahoma Open Records Act, but the Attorney General may review any such determination by the Commission and require the disclosure of the information if the Attorney General determines that the Commission has not established that the information should be deemed confidential pursuant to the provisions of this subsection. Meetings or portions of meetings devoted to discussing information deemed confidential pursuant to this section may be held in executive session pursuant to the Oklahoma Open Meeting Act.

B. Full criminal background investigations of vendors shall be conducted prior to the execution of any major procurement contract, including investigation of principal, officer or director of a corporation or other business entity. The Commission shall pay for the actual cost of the investigations and shall contract with the Oklahoma State Bureau of Investigation for the performance of the investigations.

C. The Commission or its authorized agent shall:

1. Conduct criminal background investigations and credit investigations on all potential retailers, including investigation of principal, officer or director of a corporation or other business entity;
2. Supervise ticket or share validation and lottery drawings;

3. Inspect at times determined solely by the Commission the facilities of any vendor or lottery retailer in order to determine the integrity of the product of the vendor or the operations of the retailer in order to determine whether the vendor or the retailer is in compliance with its contract;
4. Report any suspected violations of the Oklahoma Education Lottery Act to the appropriate district attorney or the Attorney General and to any law enforcement agencies having jurisdiction over the violation; and
5. Upon request, provide assistance to any district attorney, the Attorney General, the State Auditor and Inspector or a law enforcement agency investigating a violation of the Oklahoma Education Lottery Act which shall include, but not be limited to, immediate and unfettered access to any books, records, contracts, funds, or files, regardless of format. Refusal to provide such access shall constitute obstruction of justice.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 26, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 726 - Sales to Persons Under Eighteen Years of Age - Penalties

Any person who sells a lottery ticket or share to a person under eighteen (18) years of age or permits a person under eighteen (18) years of age to play any lottery games shall, upon conviction, be guilty of a misdemeanor and shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for the first offense and for each subsequent offense not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00) and imprisonment for up to one (1) year in the county jail.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 27, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 727 - Forging, Counterfeiting, etc. State Lottery Ticket - Fraud, Deception, Tampering, etc. -- Penalties

A. Any person who, with intent to defraud, falsely makes, alters, forges, utters, passes, or counterfeits a state lottery ticket shall, upon conviction, be punished by a fine not to exceed Fifty Thousand Dollars (\$50,000.00), by imprisonment for not longer than five (5) years, or by both such fine and imprisonment.

B. Any person who influences or attempts to influence the winning of a prize through the use of coercion, fraud, deception, or tampering with lottery equipment or materials shall, upon conviction, be punished by a fine not to exceed Fifty Thousand Dollars (\$50,000.00), by imprisonment for not longer than five (5) years, or by both such fine and imprisonment.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 28, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 728 - False Statements in Applications, Proposals, Books, or Records - Penalties

No person shall knowingly or intentionally make a material false statement in any application for a license or proposal to conduct lottery activities or make a material false entry in any book or record which is compiled or maintained or submitted to the board of trustees of the Oklahoma Lottery Commission pursuant to the provisions of the Oklahoma Education Lottery Act. Any person who violates the provisions of this section shall, upon conviction, be punished by a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00) or the dollar amount of the false entry or statement, whichever is greater, by imprisonment for not longer than five (5) years, or by both such fine and imprisonment.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 29, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 729 - Commission Agreements with Other Agencies for Intelligence-Sharing - Information Obtained Through Agreements

A. The Oklahoma Lottery Commission may enter into intelligence-sharing, reciprocal use, or restricted use agreements with the federal government, law enforcement agencies, lottery regulation agencies, and gaming enforcement agencies of other jurisdictions which provide for and regulate the use of information provided and received pursuant to the agreement.

B. Records, documents, and information in the possession of the Commission received pursuant to an intelligence-sharing, reciprocal use, or restricted use agreement entered into by the Commission with a federal department or agency, any law enforcement agency, or the lottery regulation or gaming enforcement agency of any jurisdiction shall be considered investigative records of a law enforcement agency and are not subject to the Oklahoma Open Records Act and shall not be released under any condition without the permission of the person or agency providing the record or information.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 30, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 730 - Appeals by Vendors, Retailers, and Applicants

A. Any retailer, vendor, or applicant for a retailer or vendor contract aggrieved by an action of the board of trustees of the Oklahoma Lottery Commission may appeal that decision to the district court of Oklahoma County.

B. The district court of Oklahoma County shall hear appeals from decisions of the board and based upon the record of the proceedings before the board may reverse the decision of the board only if the appellant proves the decision to be:

1. Clearly erroneous;
2. Arbitrary and capricious;
3. Procured by fraud;
4. A result of substantial misconduct by the board; or
5. Contrary to the United States Constitution or the Oklahoma Constitution or the provisions of the Oklahoma Education Lottery Act.

C. The court may remand an appeal to the board to conduct further hearings.

D. Any person who appeals the award of a major procurement contract for the supply of a lottery ticket system, share system, or an on-line or other mechanical or electronic system shall be liable for all costs of appeal and defense in the event the appeal is denied or the contract award upheld. Cost of appeal and defense shall specifically include, but not be limited to, court costs, bond, legal fees, and loss of income to the Commission resulting from institution of the appeal if, upon the motion of the Commission, the court finds the appeal to have been frivolous.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 31, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 731 - Funding of Oklahoma Lottery Commission - Procurements

A. The Oklahoma Lottery Commission shall be self-sustaining and self-funded. Monies in the General Revenue Fund shall not be used or obligated to pay the expenses of the Commission or prizes of the lottery, and no claim for the payment of an expense of the lottery or prizes of the lottery may be made against any monies other than monies credited to the Oklahoma Education Lottery Revolving Fund.

B. The Commission may purchase, lease, or lease-purchase such goods or services as are necessary for effectuating the purposes of the Oklahoma Education Lottery Act. The Commission may make procurements

which integrate functions such as lottery game design, lottery ticket distribution to retailers, supply of goods and services, and advertising. In all procurement decisions, the Commission shall take into account the particularly sensitive nature of the state lottery and shall act to promote and ensure security, honesty, fairness, and integrity in the operation and administration of the lottery and the objectives of raising net proceeds for the benefit of educational programs and purposes.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 32, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 732 - Negotiable Bonds and Promissory Notes Issued by Commission

A. The Oklahoma Lottery Commission is authorized to issue negotiable bonds or a promissory note in anticipation of the collection of all or any part of its revenues, not to exceed Ten Million Dollars (\$10,000,000.00) for the payment of the initial expenses of start-up, administration and operation of the Commission and the lottery. Any such debt shall be approved by the Council on Bond Oversight and shall further be approved by the Attorney General as to legal form. Any such debt shall not constitute a debt of the state and under no circumstances shall the general funds of the state be used in order to satisfy any obligation of the Commission. Any such debt shall be repaid solely from future lottery revenue and under no circumstances shall it be repaid from other state funds or appropriations. The Commission may pledge, to the payment of the interest and principal on such bonds or notes, all or any part of the revenues derived from the operation of the lottery.

B. The bonds or notes authorized pursuant to this section shall be authorized by resolution of the Commission and may, as provided in such resolution:

1. Be issued in one or more series;
2. Bear such date or dates and may mature at such time not exceeding five (5) years from their respective dates;
3. Bear interest at such rate or rates which shall be consistent with prevailing market rates; and
4. Contain such terms, covenants and conditions as may be necessary to effectively market the bonds or place the notes as the Commission shall determine.

C. Any resolution authorizing the issuance of bonds or notes pursuant to this section may contain covenants, including, but not limited to:

1. The purpose or purposes to which the proceeds of the sale of bonds or notes may be applied, and the deposit, use and disposition thereof;
2. The use, deposit, securing of deposits and disposition of the revenues of the Commission, including the creating and maintenance of reserves; and
3. The ability to refinance or refund any of the bonds or notes issued.

D. In the discretion of the Commission, any bonds or notes issued pursuant to the provisions of this section may be secured by a trust indenture by and between the Commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the state. Any trust indenture may pledge or assign the revenues of the Commission, but shall not convey or mortgage any properties, except such revenues. Any trust indenture or any resolution providing for the issuance of the bonds or notes may contain such provisions for protecting and enforcing the rights and remedies of the bondholders or noteholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Commission in relation to:

1. The use of funds, acquisition of property, acquisition of services and other costs, in connection with which such bonds or notes shall have been authorized; and
2. The custody, safeguarding and application of all monies.

It shall be lawful for any bank or trust company incorporated under the laws of this state, which may act as depository of the proceeds of bonds, notes or of revenues, to furnish such indemnifying bonds or to pledge such securities as may be required by the Commission. Any such trust indenture may set forth the rights and remedies of the bondholders, noteholders and of the trustee, and may restrict the individual right of action by bondholders or noteholders as is customary in trust agreements or trust indentures securing bonds, notes and debentures of corporations. Any such trust indenture may contain such other provisions as the Commission may deem

reasonable and proper for the security of the bondholders or noteholders. All expenses incurred in carrying out the provisions of any such trust indenture may be treated as a part of the cost of operation or acquisitions for which the bonds are authorized.

E. Monies received pursuant to the Oklahoma Education Lottery Act, whether as proceeds from the sale of bonds, notes or as revenues from the operations of the Commission, which have been identified for bonds or note repayment purposes, shall be deemed to be trust funds, to be held and applied solely as provided in the Oklahoma Education Lottery Act. The resolution authorizing the issuance of bonds or notes of any issue or the trust indenture securing such bonds or notes, shall provide that any officer to whom, or any bank or trust company to which, such monies shall be paid, shall act as trustee of such monies and shall hold and apply the same for the purpose hereof, subject to the requirements as the Oklahoma Education Lottery Act and such resolution or trust indenture may provide.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 33, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 733 - Board of Trustees - Duties to Ensure Financial Integrity of the Lottery

To ensure the financial integrity of the lottery, the Oklahoma Lottery Commission through its board of trustees shall:

1. Submit quarterly and annual reports to the Governor, State Auditor and Inspector, Oklahoma State Bureau of Investigation, Attorney General, and the oversight committee created by Section 734 of this title, disclosing the total lottery revenues, prize disbursements, operating expenses, and administrative expenses of the Commission during the reporting period. The annual report shall additionally describe the organizational structure of the Commission and summarize the functions performed by each organizational division within the Commission;
2. Adopt a system of internal audits;
3. Maintain weekly or more frequent records of lottery transactions, including the distribution of tickets or shares to retailers, revenues received, claims for prizes, prizes paid, prizes forfeited, and other financial transactions of the Commission;
4. Contract with a certified public accountant or firm for an annual financial audit of the Commission. The certified public accountant or firm shall have no financial interest in any vendor with whom the Commission is under contract. The certified public accountant or firm shall present an audit report not later than seven (7) months after the end of the fiscal year. The certified public accountant or firm shall evaluate the internal auditing controls in effect during the audit period. The cost of this annual financial audit shall be an operating expense of the Commission. The State Auditor and Inspector may at any time conduct an audit of any phase of the operations of the Commission at the expense of the Commission and shall receive a copy of the annual independent financial audit. A copy of any audit performed by the certified public accountant or firm or the State Auditor and Inspector shall be transmitted to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives, the State Auditor and Inspector, and the cochairs of the oversight committee created in Section 734 of this title;
5. Submit to the Office of Management and Enterprise Services and the State Auditor and Inspector by June 30 of each year a copy of the annual operating budget for the Commission for the next fiscal year. This annual operating budget shall be approved by the board and be on such forms as prescribed by the Office of Management and Enterprise Services; and
6. For informational purposes only, submit to the Office of Management and Enterprise Services on September 1 of each year a proposed operating budget for the Commission for the succeeding fiscal year. The budget proposal shall also be accompanied by an estimate of the net proceeds to be deposited into the Oklahoma Education Lottery Trust Fund during the succeeding fiscal year. The budget shall be on such forms as prescribed by the Office of Management and Enterprise Services.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 34, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004; Amended by Laws 2012, HB 3079, c. 304, § 29 (superseded document available).

Title 3A: Section 734 - Oklahoma Lottery Commission Legislative Oversight Committee

A. There is hereby created as a joint committee of the Legislature the Oklahoma Lottery Commission Legislative Oversight Committee, to be composed of the members of the House Revenue and Taxation Committee and the Senate Finance Committee. The chairs of the committees shall serve as cochairs of the oversight committee. The oversight committee shall periodically inquire into and review the operations of the Oklahoma Lottery Commission, as well as periodically review and evaluate the success with which the Commission is accomplishing its statutory duties and functions as provided in the Oklahoma Education Lottery Act. The oversight committee may conduct any independent audit or investigation of the Commission it deems necessary.

B. The Commission shall provide the oversight committee not later than December 1 of each year with a complete report of the level of participation of minority businesses in all retail and major procurement contracts awarded by the Commission.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 35, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 3A: Section 735 - No Other Class III Gaming Allowed - Exception for Tribal Gaming Allowed by Law

The enactment of a lottery in Oklahoma is game-specific and shall not be construed to allow the operation of any other form of Class III gaming, as defined by the Indian Gaming Regulatory Act, 25 U.S.C., Section 2703, under Oklahoma law unless specifically allowed by law and by a cooperative agreement with a federally recognized Indian tribe in this state. If it is ever determined by a court of binding jurisdiction, in a final unappealed decision, that the enactment and operation of a lottery in Oklahoma allows the operation of other types of Class III gaming in the State of Oklahoma, the Oklahoma Education Lottery Act shall cease to have the force and effect of law.

Historical Data

Added by Laws 2003, HB 1278, c. 58, § 36, State Question No. 705, Legis. Ref. No. 330, approved at the general election held November 2, 2004.

Title 21 of the Oklahoma Statutes
Chapter 38 – Gambling – General Provisions

Title 21: Section 941- Gambling - Conducting - Penalty - Felony

Except as provided in the Oklahoma Charity Games Act, every person who opens, or causes to be opened, or who conducts, whether for hire or not, or carries on either poker, roulette, craps or any banking or percentage, or any gambling game played with dice, cards or any device, for money, checks, credits, or any representatives of value, or who either as owner or employee, whether for hire or not, deals for those engaged in any such game, shall be guilty of a felony, and upon conviction thereof, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00), nor more than Two Thousand Dollars (\$2,000.00), and by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than ten (10) years.

Historical Data

Laws 1916, HB 2, c. 26, § 1, emerg. eff. January 29, 1916; Amended by Laws 1992, HB 2074, c. 328, § 29, eff. December 1, 1992, State Question No. 650, Legis. Ref. 294, approved at the general election held November 3, 1992; Amended by Laws 1997, HB 1213, c. 133, § 266 (effective date changed to July 1, 1999, by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998) ([superseded document available](#)); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c.. 5, § 170, emerg. eff. July 1, 1999 ([superseded document available](#)).

Title 21: Section 942 - Gambling - Playing - Penalty

Any person who bets or plays at any of said prohibited games, or who shall bet or play at any games whatsoever, for money, property, checks, credits or other representatives of value with cards, dice or any other device which may be adapted to or used in playing any game of chance or in which chance is a material element, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a term of not less than one (1) day, nor more than thirty (30) days, or by both such fine and imprisonment.

Historical Data

Laws 1916, HB 2, c. 26, § 2, emerg. eff. January 29, 1916.

Title 21: Section 943 - Gambling Paraphernalia - Disposition

The magistrate or justice of the peace to whom anything suitable to be used for gambling purposes, or furniture or equipment used in a place conducted in violation of this Act is delivered, as provided by law shall, upon the examination of the accused, or if such examination is delayed, or prevented, without awaiting such examination, determine the character of the thing so delivered to him and whether it was actually intended or employed by the accused or others in violation of the provisions of this article; and if he finds that it is of a character suitable to be used for gambling purposes, and that it was actually employed or intended to be used by the accused or others, in violation of the provisions of this Article, he shall so find and cause the same to be delivered to the sheriff to await the order of the district court. Provided, that any of the furniture or equipment susceptible of legitimate use, may be sold and the proceeds thereof placed in the court fund of said county, and that any money so found by the officers shall be placed in the court fund of the county.

Historical Data

Laws 1916, HB 2, c. 26, p. 55, § 3.

Title 21: Section 944 - Slot Machines - Misdemeanor

Any person who sets up, operates or conducts, or who permits to be set up, operated or conducted in or about his place of business, whether as owner, employee or agent, any slot machine for the purpose of having or allowing the same to be placed by others for money, property, checks, credits or any representative of value shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00); or by imprisonment in the county jail for a term of not more than thirty (30) days, or by both such fine and imprisonment.

Historical Data

Laws 1916, HB 2, c. 26, § 4, emerg. eff. January 29, 1916.

Title 21: Section 945 - Buildings - Use for Gambling - Penalty

It shall be unlawful for the owner or owners of any real estate, buildings, structure or room to use, rent, lease or permit, knowingly, the same to be used for the purpose of violating Section 1 of this act. Any person who shall violate the provisions of this section shall be liable to a penalty of not less than One Hundred Dollars (\$100.00) nor more than One Thousand

Dollars (\$1,000.00) for each offense, to be recovered at the suit of the state. The penalty so recovered shall become a lien on the property and premises to be used, leased or rented in violation of this act from and after the date of the filing of the suit to recover such penalty, and the filing of a notice of the pendency of such suit with the county clerk of the county wherein said property is located, and upon final judgment said property may be sold as upon execution to satisfy the same, together with the cost of suit; provided, however, that such lien shall not attach to property under the control of any receiver, trustee, guardian or administrator appointed by a court of competent jurisdiction; but in such case, the receiver, trustee, guardian or administrator shall be liable on his official bond for the penalty so incurred and in addition thereto shall be guilty of a misdemeanor. Each day such property is so used, leased or rented for any such unlawful purpose shall constitute a separate offense, and the penalty herein prescribed shall be recovered for each and every day. All leases between landlords and tenants, under which any tenant shall use the premises for the purpose of violating any provisions of this act shall be wholly null and void, and the landlord may recover possession thereof, as in forcible entry and detainer.

Historical Data

Laws 1916, HB 2, c. 26, § 5, emerg. eff. January 29, 1916.

Title 21: Section 946 - Illegal Use of Building - Nuisance - Penalty

Any house, room or place where any of the games prohibited by Section 941 of this title are opened, conducted or carried on, or where persons congregate to play at any such games is a public nuisance and the keepers and managers of any such nuisance, and persons aiding or assisting any such keepers or managers in keeping or managing any such nuisance shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Ten Thousand Dollars (\$10,000.00) or by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than ten (10) years.

Historical Data

Laws 1916, HB 2, c. 26, § 6, emerg. eff. January 29, 1916; Amended by Laws 1997, 1st Extr. Sess., HB 1213, c. 133, § 267 (effective date changed to July 1, 1999, by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998) (superseded document available); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 171, emerg. eff. July 1, 1999 (superseded document available).

Title 21: Section 947 - Dice - Cigar Stands - Prohibition

Any owner, proprietor, manager or person in charge of any cigar stand, hotel lobby, store or place where articles are kept for sale, who shall suffer, allow or permit any person to throw or shake or play dice, or any other game, scheme or device of chance, at or in such cigar stand, hotel lobby, store or place, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

Historical Data

Laws 1916, HB 2, c. 26, p. 58, § 7.

Title 21: Section 948 - Officers - Gambling - Collusion - Penalty

Any state, district, city, town, county or township officer who shall engage or participate in, or who shall assist or encourage any other person or persons in any kind of illegal gambling, whether the same be by cards, dice, dominoes, billiards or any game of chance or a gambling device, by betting money, property or other things of value in such game of chance, or gambling device, such officer shall be deemed guilty of a felony, and upon conviction shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than ten (10) years, and such judgment of conviction shall carry with it an immediate removal from office and a disqualification to hold any office of profit or trust in the State of Oklahoma.

Historical Data

Laws 1916, HB 2, c. 26, § 8, emerg. eff. January 29, 1916; Amended by Laws 1993, HB 1595, c. 305, § 2, emerg. eff. July 1, 1993; Amended by Laws 1997, HB 1213, c. 133, § 268 (effective date changed to July 1, 1999, by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998 (superseded document available); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 172, emerg. eff. July 1, 1999 (superseded document available).

Title 21: Section 949 - Repealed

Repealed by Laws 2006, SB 682, c. 62, § 6, emerg. eff. April 17, 2006

Historical Data

Laws 1916, HB 2, c. 26, p. 58, § 9, emerg. eff. January 29, 1916; Repealed by Laws 2006, SB 682, c. 62, § 6, emerg. eff. April 17, 2006 (repealed document available).

Title 21: Section 950 – Permit of Privilege – Prohibited – Collusion a Felony

Any state, county, city, or township officer, or other person who shall hold for, receive or collect any money, or other valuable consideration, either for his own or the public use, for and with the understanding that he will aid, exempt or otherwise assist said person from arrest or conviction for a violation of any of the provisions of this article, or who shall issue, deliver or cause to be delivered to any person or persons, any license, permit, or other privileges, giving or pretending to give, any authority or right to any person or persons, to carry on, conduct, open or cause to be opened, any game or games which are forbidden or prohibited by any of the provisions of Sections 941 through 953 of this title shall be deemed guilty of a felony.

Historical Data

Laws 1916, HB 2, c. 26, § 10; Amended by Laws 1997, HB 1213, c. 133, § 269 (effective date changed to July 1, 1999 by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998) (superseded document available).

Title 21: Section 951 – Investigations – Power of Courts – Record of Testimony

It shall be the duty of any judge of any court of record, upon the written request of the district attorney, or upon the sworn complaint of any other person, to issue subpoenas for any witness that may have knowledge of the violation of any provision of this act, and such judge shall have the power and it shall be his duty to compel such witness to appear before him and give testimony and produce any books or papers that will aid or assist in the prosecution of such investigation and inquiry into any violation of any provision of this act; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence. The testimony of each witness shall be reduced to writing by said judge, or by some person designated by him, and the same shall be signed by such witness. No person shall disclose any evidence so taken, nor disclose the name of any person so subpoenaed and examined, except when lawfully required to testify as a witness in relation thereto; and the unlawful disclosure, by any person, of any such evidence or of any matter or thing concerning such examination shall be a misdemeanor. Should said judge be unable to hold and conduct such inquiry and investigation for want of time, he may appoint a special judge who shall possess the qualifications and have the power in respect to such matters as the judge of the district court. Should any witness refuse to appear before such judge, in obedience to such subpoena, or refuse to produce any books or papers when lawfully required so to do, or having appeared, shall refuse to answer any proper question, or sign his testimony when so required, it shall be the duty of such judge to commit such person to the county jail until he shall consent to obey such orders and command of such judge in the premises, and in addition thereto such person may be punished, as for contempt of court, in accordance with the Constitution and laws of this state. The special judge appointed under the provisions of this section shall take the oath of the Constitution for state officers, and shall receive the compensation allowed by law for notaries public for taking depositions and be paid by the county in which such proceeding is had, upon the order of the judge who appointed him. When it is shown upon the taking of such testimony that there is probable cause to believe that any person has violated any provision of this act, the district attorney shall immediately prepare an information charging such person with such offense and file such information in some court of competent jurisdiction.

Historical Data

Laws 1916, HB 2, c. 26, p. 61, § 11.

Title 21: Section 952 – Persons Jointly Charged - Severance

Persons jointly charged with the violation of any of the provisions of this act shall be tried together, provided the court for good cause shown may grant a severance.

Historical Data

Laws 1916, HB 2, c. 26, p. 61, § 12.

Title 21: Section 953 – Accomplice Testimony – Force of Same

Any person charged with a violation of any of the provisions of this act may be convicted on the uncorroborated testimony of an accomplice, and the judgment thereon shall not be set aside or reversed by reason of the fact that such conviction was based on the testimony of an accomplice.

Historical Data

Laws 1916, HB 2, c. 26, p. 61, § 13.

Title 21: Section 954 – Three Card Monte, Swindle or Confidence Games - Penalty

Any person who deals, plays or practices in the State of Oklahoma, or who is in any manner accessory to the dealing, playing or practicing of a swindle known as three-card monte, or any other swindle or confidence game, play or practice, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine of not less than One Thousand Dollars

(\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by confinement in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years.

Historical Data

R.L. 1910, § 2500; Amended by Laws 1997, HB 1213, c. 133, § 270 (effective date changed to July 1, 1999, by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998 (superseded document available); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 173, emerg. eff. July 1, 1999 (superseded document available).

Title 21: Section 955 - Repealed

Repealed by Laws 2013, HB 1524, c. 91, § 1, eff. November 1, 2013

Historical Data

R.L. 1910, § 2501; Repealed by Laws 2013, HB 1524, c. 91, § 1, eff. November 1, 2013 (repealed document available).

Title 21: Section 956 – Permitting Gambling on Premises - Penalty

Every person who shall permit any gaming table, bank, or gaming device prohibited by this article, to be set up or used for the purpose of gambling in any house, building, shed, shelter, booth, lot or other premises to him belonging, or by him occupied, or of which he has, at the time, possession or control, shall be, on conviction thereof, adjudged guilty of a misdemeanor, and punished by a fine not exceeding Two Hundred Dollars (\$200.00), nor less than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a term not exceeding six (6) months nor less than thirty (30) days, or by both such fine and imprisonment in the discretion of the court.

Historical Data

R.L. 1910, § 2502.

Title 21: Section 957 – Granting of Lease of Premises for Gambling - Misdemeanor

Every person who shall knowingly lease or rent to another any house, building or premises for the purpose of setting up or keeping therein, any of the gambling devices prohibited by the preceding provisions of this article, is guilty of a misdemeanor.

Historical Data

R.L. 1910, § 2503.

Title 21: Section 958 – Lessor May Re-Enter Property upon Conviction of Lessee

Whenever any lessee of any house or building shall be convicted of suffering any of the said prohibited gambling devices or games of chance to be carried on in said house or building, the lease or contract or letting such house or building shall become void and the lessor may enter upon the premises so let and shall recover possession of said leased property as in the case of forcible detainer.

Historical Data

R.L. 1910, § 2504.

Title 21: Section 959 – Failure to Appear - Misdemeanor

Every person duly summoned as a witness for the prosecution or defense on any proceedings ordered under this article, who neglects or refuses to attend and testify as required, is guilty of a misdemeanor.

Historical Data

R.L. 1910, § 2505.

Title 21: Section 960 – Seizure of Gambling Equipment Authorized

Every person who is authorized or enjoined to arrest any person for a violation of the provisions of this article, is equally authorized and enjoined to seize any table, cards, dice, or other articles or apparatus suitable to be used for gambling purposes found in the possession or under the control of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.

Historical Data

R.L. 1910, § 2506.

Title 21: Section 961 – Self Incriminating Testimony – Immunity from Use

No person shall be excused from giving any testimony or evidence upon any investigation or prosecution for violation of this article, upon the ground that such testimony would tend to convict him of a crime, but such testimony or evidence shall not be received against him upon any criminal investigation or prosecution, except in a prosecution against him for perjury committed in giving such testimony.

Historical Data

R.L. 1910, § 2508.

Title 21: Section 962 - Repealed

Repealed by Laws 2006, SB 682, c. 62, § 6, emerg. eff. April 17, 2006

Historical Data

R.L. 1910, § 2510; Repealed by Laws 2006, SB 682, c. 62, § 6, emerg. eff. April 17, 2006 (repealed document available).

Chapter 38 – Gambling – Slot Machines and Punch Boards**Title 21: Section 964 – Slot Machines Defined**

A. For the purpose of Sections 964 through 977 of this title, "slot machine" is defined to be

1. Any machine, instrument, mechanism, or device that operates or may be operated or played mechanically, electrically, automatically, or manually, and which can be played or operated by any person by inserting in any manner into said machine, instrument, mechanism, or device, a coin, chip, token, check, credit, money, representative of value, or a thing of value, and by which play or operation such person will stand to win or lose, whether by skill or chance, or by both, a thing of value; and

2. Any machine, instrument, mechanism, or device that operates or may be played or operated mechanically, electrically, automatically, or manually, and which can be played or operated by any person by paying to or depositing with any person, or by depositing with or into any cache, slot, or place a coin, chip, token, check, credit, money, representative of value, or a thing of value, and by which play or operation such person will stand to win or lose, whether by skill or chance, or by both, a thing of value.

B. Sections 964 through 977 of this title shall not apply to a slot machine:

1. If the slot machine is twenty-five (25) years or older and is not used for gambling purposes; or
2. If the slot machine is used for the purpose of teaching slot machine repair and is not used for gambling purposes.

C. Sections 964 through 977 of this title shall not apply to the use of a crane machine for nongambling purposes. For purposes of this section, a "crane machine" shall mean a machine that upon insertion of a coin, bill, token, or similar object, allows the player to skillfully use one or more buttons, joysticks, or other controls to maneuver a crane or claw over a toy or novelty in an attempt to retrieve the toy or novelty for the player. The toy or novelty shall not be subject to being exchanged for any other prize, including but not limited to credits, money or other thing of value.

D. A slot machine which is twenty-five (25) years or older or is used for teaching slot machine repair which is used for a gambling purpose in violation of the provisions of Section 970 of this title shall be subject to confiscation as provided by Section 973 of this title.

Historical Data

Laws 1939, HB 125, p. 9, § 1, emerg. eff. April 28, 1939; Amended by Laws 1983, HB 1364, c. 174, § 1, emerg. eff. July 1, 1983; Amended by Laws 1995, HB 1112, c. 68, § 1; Amended by Laws 1999, HB 1805, c. 364, § 3, emerg. eff. July 1, 1999 (superseded document available).

Title 21: Section 965 – Thing of Value

For the purposes of this act, "a thing of value" is defined to be any money, coin, currency, check, chip, token, credit, property, tangible or intangible, or any representative of value or any other thing, tangible or intangible, except amusement or entertainment, calculated or intended to serve as an inducement for anyone to operate or play any slot machine or punch board.

Historical Data

Laws 1939, HB 125, p. 9, §. 2, emerg. eff. April 28, 1939; Amended by Laws 1949, HB 207, p. 204, § 1, emerg. eff. May 14, 1949.

Title 21: Section 966 – Punch Boards

For the purposes of this act, "punch board" is defined to be any card, board, substance or thing upon or in which is placed or concealed in any manner any number, figure, name, design, character, symbol, picture, substance or thing which may be drawn, uncovered, exposed or removed therefrom by any person paying a thing of value, which number, figure, name, design, character, symbol, picture, substance or any other thing, when drawn, uncovered, exposed or removed therefrom, will stand the person drawing, uncovering, exposing or removing the same to win or lose a thing of value, but shall not include a breakopen ticket card, as defined in the Oklahoma Charity Games Act.

Historical Data

Laws 1939, HB 125, p. 9, § 3, emerg. eff. April 28, 1939; Amended by Laws 1992, HB 2074, c. 328, § 30, eff. December 1, 1992, and adopted by State Question No. 650, Legislative Referendum No. 294, at election held November 3, 1992.

Title 21: Section 967 – Singular and Plural

Any word or words used in this act in the singular number shall include the plural, and the plural the singular.

Historical Data

Laws 1939, HB 125, p. 9, § 4, emerg. eff. April 28, 1939.

Title 21: Section 968 - Person

For the purposes of this act, "person" is defined to include any person, partnership, association, company, stock company, corporation, receiver, trustee, organization or club.

Historical Data

Laws 1939, HB 125, p. 9, § 5, emerg. eff. April 28, 1939.

Title 21: Section 969 – Sale or Possession of Slot Machines or Punch Boards

It shall be unlawful for any person to have in his possession any slot machine or punch board, or sell or solicit the sale, or take orders for the sale of, or lease or rent any slot machine or punch board in this state, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Fifty Dollars (\$150.00) or by imprisonment in the county jail for a term of not more than sixty (60) days, or by both such fine and imprisonment.

Historical Data

Laws 1939, HB 125, c. 15, emerg. eff. April 28, 1939.

Title 21: Section 970 – Operating Slot Machines

Any person who sets up, operates or conducts, or who permits to be set up, operated and conducted, in or about any place of business, or in or about any place, whether as owner, employee or agent, any slot machine for the purpose of having or allowing same to be played by others for money, property, tangible or intangible, coin, currency, check, chip, token, credit, or any representative of value or a thing of value, except amusement or entertainment, or who sets up, operates or conducts, or who permits to be set up, operated or conducted, in or about any place of business, or in or about any place, whether as owner, employee or agent, any amusement machine, instrument, mechanism or device within three hundred (300) feet of any public school in this state, said distance to be measured from the school building, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Fifty Dollars (\$150.00), or by imprisonment in the county jail for a term of not more than sixty (60) days, or by both such fine and imprisonment.

Historical Data

Laws 1939, HB 125, c. 15, § 7, emerg. eff. April 28, 1939; Amended by Laws 1949, HB 207, c. 38, § 2, emerg. eff. May 14, 1949.

Title 21: Section 971 – Operating Punch Boards

Any person who sets up, operates, exposes, conducts, displays or plays, or who permits to be set up, operated, exposed, conducted, displayed or played, in or about any place or in or about any place of business, whether as owner, employee or agent, any punch board for the purpose of having or allowing the same to be played by others for money, property, tangible or intangible, coin, currency, check, chip, token, credit, amusement or any representative of value or a thing of value, shall be

deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a term of not more than thirty (30) days, or by both such fine and imprisonment.

Historical Data

Laws 1939, HB 125, c. 15, § 8, emerg. eff. April 28, 1939.

Title 21: Section 972 – Gambling Devices

Every slot machine and every punch board as defined in this act, is hereby declared to be per se a gambling device, and each is hereby declared to be a public nuisance, and the same may be abated in manner as provided for the abatement of a public nuisance under Chapter 58, Oklahoma Statutes 1931.

Historical Data

Laws 1939, HB 125, p. 10, § 9, emerg. eff. April 28, 1939.

Title 21: Section 973 – Peace Officers – Duties – County Attorney

A. Every sheriff, constable, policeman, and peace officer in this state is hereby required to seize every slot machine and every punch board, together with all money contained therein or used in connection therewith, and all property and items of value incident thereto or used or employed in connection therewith, and hold and safely keep the same, subject to the order of the district court. Immediately following such seizure, such officer shall report the same and give all facts in relation thereto to the district attorney of the county in which the seizure was made. The district attorney shall, immediately following such report, file an application in the district court of his county in the name of the State of Oklahoma against the slot machine or punch board seized, and the money and items, if any, used therewith.

The application shall include:

1. A statement showing the time and place of seizure and by whom made;
2. A general description of the slot machine or punch board, and of the money and items, if any, seized;
3. The name and address, if known, of the person from whom seized; and
4. A prayer for judgment:

a. confiscating said slot machine or punch board and money and items seized, and

(1) ordering said slot machine or punch board either to be sold, with the approval of the court and on such notice as the court may direct, by the sheriff of the county in which the seizure was made, within any state, county or municipality in which the use of such slot machine or punch board is not prohibited by law and ordering the proceeds of sale paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes, provided that if such slot machine or punch board is not sold within ninety (90) calendar days, the court shall order such to be destroyed under the provisions of this section, or

(2) ordering the immediate destruction of said slot machine or punch board by the officer seizing the same or by some other officer or person to be appointed for such purpose by the court,

b. ordering the money seized with said slot machine or punch board paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes, and

c. ordering any item of value seized with said slot machine or punch board, if not in itself offensive or a gambling device, to be sold by the sheriff of the county in which the seizure was made, on such notice as the court may direct, and the proceeds of sale paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes.

B. The application required to be filed by the district attorney under the provisions of subsection A of this section may include any number of slot machines or punch boards, or both, and all money and items, if any, seized therewith. Upon filing said application in the district court, the court shall order the district attorney to cause a copy thereof to be served on the person from whom the slot machine or punch board was seized, together with written notice that such person may appear before the district court at any date, which shall be fixed in said notice, not less than five (5) days from the date said application was filed in the district court, to show cause why said application should not be granted and judgment rendered as therein prayed. If the person from whom seizure was made cannot be located, or is unknown, or if said slot machine or punch

board was unattended at the time of seizure, then the foregoing service shall not be required, but in lieu thereof, a copy of said application and notice shall be delivered to the place where seizure was made. On the date set forth in the foregoing notice, the district court shall hear the application without a jury, and neither party shall have the right to demand a jury trial. The district attorney shall present said application on said hearing, together with all the evidence pertinent thereto, and the owner of or person from whom the slot machine or punch board was seized, if present at said hearing, may introduce any competent evidence. The district court after hearing said application and the evidence introduced at said hearing, shall determine whether or not the slot machine or punch board, or both, mentioned in said application, is a slot machine or punch board as defined in Sections 964 and 966 of this title, and if determined to be such, the court shall make and enter judgment:

1. Confiscating said slot machine or punch board and money and items seized, and
 - a. ordering said slot machine or punch board either to be sold, with the approval of the court and on such notice as the court may direct, by the sheriff of the county in which the seizure was made, within any state, county or municipality in which the use of such slot machine or punch board is not prohibited by law and ordering the proceeds of sale paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes, provided that if such slot machine or punch board is not sold within ninety (90) calendar days, the court shall order such to be destroyed under the provisions of this section, or
 - b. ordering the immediate destruction of said slot machine or punch board by the officer seizing the same or by some other officer or person to be appointed for such purpose by the court;
 2. Ordering the money seized in or with said slot machine or punch board paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes; and
 3. Ordering any other item of value seized with the said slot machine or punch board, if not in itself offensive or a gambling device, to be sold by the sheriff of the county in which the seizure was made, on such notice as the court may direct, and the proceeds of sale to be paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes.
- C. The officer or person ordered to destroy a slot machine or punch board under the provisions of subsection B of this section shall execute such order and make return thereof within five (5) days from the date thereof, showing the manner in which he executed the same. An appeal may be had from the judgment of the district court to the Supreme Court, as in civil actions, pursuant to the provisions of the code of civil procedure; and in the event of an appeal by either party, the judgment of the district court shall be stayed pending the determination of said appeal.

Historical Data

Laws 1939, HB 125, p. 11, § 10, emerg. eff. April 28, 1939.

Title 21: Section 974 – Officers – Duty to Arrest and Prosecute

It is hereby made the duty of every sheriff, constable, policeman, and peace officer to diligently do and perform the acts required under this act and to arrest any person violating any of the provisions of said act and inform against such person; and it is hereby made the duty of every district attorney to diligently do and perform the acts required of him under this act and to diligently prosecute any person violating any of the provisions of said act.

Historical Data

Laws 1939, HB 125, p. 12, § 11, emerg. eff. April 28, 1939.

Title 21: Section 975 – Knowledge Imputed to Officers

The fact that any slot machine or punch board is set up, operated, conducted, displayed, or exposed in a public place for any considerable length of time, provided the time and place is sufficient to put a reasonably efficient officer upon inquiry and notice, this shall be received along with other evidence in proving that the sheriff and district attorney of the county and the constable and policemen of the district, city or town where the same occurred had knowledge of the same.

Historical Data

Laws 1939, HB 125, p. 12, § 12, emerg. eff. April 28, 1939.

Title 21: Section 976 – Failure to Perform Duties

Any sheriff, constable, policeman, or police officer or district attorney who shall fail to diligently do or perform the acts and duties required of him under this act, in that he shall knowingly allow the violation of this act or the open and notorious violation of same as set out in Section 12, shall be guilty of willful neglect of duty and shall be removed from office, as now

or as may hereafter be provided by law; and shall also be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term of not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment; and any such officer, upon being convicted or removed from office, shall be ineligible to again hold public office for a period of two (2) years from the date of such conviction or removal from office.

Historical Data

Laws 1939, HB 125, c. 15, § 13, emerg. eff. April 28, 1939.

Title 21: Section 977 – Invalidity Clause

In case any section, clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the section, clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Historical Data

Laws 1939, HB 125, p. 13, § 14, emerg. eff. April 28, 1939.

Chapter 38 – Gambling – Commercial Gambling

Title 21: Section 981 - Definitions

As used in this act:

1. A "bet" is a bargain in which the parties agree that, dependent upon chance, or in which one of the parties to the transaction has valid reason to believe that it is dependent upon chance, one stands to win or lose something of value specified in the agreement. A bet does not include:
 - a. bona fide business transactions which are valid under the law of contracts including, but not limited to, contracts for the purchase or sale at a future date of securities or other commodities and agreements to compensation for loss caused by the happening of the chance including, but not limited to, contracts of indemnity or guaranty and life or health and accident insurance; or
 - b. any charity game conducted pursuant to the provisions of the Oklahoma Charity Games Act; or
 - c. offers of purses, prizes or premiums to the actual participants in public and semipublic events, as follows, to wit: Rodeos, animal shows, hunting, fishing or shooting competitions, expositions, fairs, athletic events, tournaments and other shows and contests where the participants qualify for a monetary prize or other recognition. This subparagraph further excepts an entry fee from the definition of "a bet" as applied to enumerated public and semipublic events.
2. "Consideration" as used in this section means anything which is a commercial or financial advantage to the promoter or a disadvantage to any participant. Mere registration without purchase of goods or services; personal attendance at places or events, without payment of an admission price or fee; listening to or watching radio and television programs; answering the telephone or making a telephone call and acts of like nature are not consideration. As used in this paragraph, the term "consideration" shall not include sums of money paid by or for participants in any bingo game or a game of chance with comparable characteristics as defined by subparagraph b of paragraph 1 of this section and it shall be conclusively presumed that such sums paid by or for said participants were intended by said participants to be for the benefit of the organizations described in subparagraph b of paragraph 1 of this section for the use of such organizations in furthering the purposes of such organizations;
3. A "gambling device" is a contrivance designed primarily for gambling purposes which for a consideration affords the player an opportunity to obtain something of value, the award of which is determined by chance, or any token, chip, paper, receipt or other document which evidences, purports to evidence or is designed to evidence participation in a lottery or the making of a bet. The fact that the prize is not automatically paid by the device does not affect its character as a gambling device; and
4. A "gambling place" is any place, room, building, vehicle, tent or location which is used for any of the following: making and settling bets; receiving, holding, recording or forwarding bets or offers to bet; conducting lotteries; or playing gambling devices. Evidence that the place has a general reputation as a gambling place or that, at or about the time in question, it was frequently visited by persons known to be commercial gamblers or known as frequenters of gambling places is admissible on the issue of whether it is a gambling place.

Historical Data

Laws 1975, HB 1042, c. 283, § 1, eff. October 1, 1975; Amended by Laws 1992, HB 2074, c. 328, § 31, eff. December 1, 1992, State Question No. 650, Legis. Ref. 294, approved at the general election held November 3, 1992; Amended by Laws 2000, SB 812, c. 181, § 1, emerg. eff. May 3, 2000 (superseded document available).

Title 21: Section 982 – Commercial Gambling

A. Commercial gambling is:

1. Operating or receiving all or part of the earnings of a gambling place;
2. Receiving, recording or forwarding bets or offers to bet or, with intent to receive, record or forward bets or offers to bet, possessing facilities to do so;
3. For gain, becoming a custodian of anything of value bet or offered to be bet;
4. Conducting a lottery or with intent to conduct a lottery possessing facilities to do so;
5. Setting up for use or collecting the proceeds of any gambling device; or
6. Alone or with others, owning, controlling, managing or financing a gambling business.

B. Any person found guilty of commercial gambling shall be guilty of a felony and punished by imprisonment for not more than ten (10) years or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

Historical Data

Laws 1975, HB 1042, c. 283, § 2, eff. October 1, 1976; Amended by Laws 1997, HB 1213, c. 133, § 271 (effective date changed to July 1, 1999 by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998) (superseded document available); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 174, emerg. eff. July 1, 1999 (superseded document available).

Title 21: Section 983 – Permitting Premises to be Used for Commercial Gambling

A. Permitting premises to be used for commercial gambling is intentionally:

1. Granting the use or allowing the continued use of a place as a gambling place; or
2. Permitting another to set up a gambling device for use in a place under the offender's control.

B. Any person permitting premises to be used for commercial gambling shall be guilty of a misdemeanor. Any person found guilty of a second offense under this section shall be punished by imprisonment in the county jail for not more than one (1) year or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

Historical Data

Laws 1975, HB 1042, c. 283, § 3, eff. October 1, 1975.

Title 21: Section 984 – Dealing in Gambling Devices

A. Dealing in gambling devices is manufacturing, transferring or possessing with intent to transfer any gambling device or subassembly or essential part thereof.

B. Any person dealing in gambling devices shall be guilty of a felony punishable by imprisonment for not more than more than five (5) years or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

Historical Data

Laws 1975, HB 1042, c. 283, § 4, eff. October 1, 1975; Amended by Laws 1997, HB 1213, c. 133, § 272 (effective date changed to July 1, 1999 by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998) (superseded document available); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 175, emerg. eff. July 1, 1999 (superseded document available).

Title 21: Section 985 – Possession of a Gambling Device

A. Possession of a gambling device is knowingly possessing or having custody or control, as owner, lessee, agent, employee, bailee or otherwise, of any gambling device.

B. Any person possessing a gambling device who knows or has reason to know said devices will be used in making or settling commercial gambling transactions and deals in said gambling devices with the intent to facilitate commercial gambling transactions shall be punished for a misdemeanor.

Historical Data

Laws 1975, HB 1042, c. 283, § 5, eff. October 1, 1975.

Title 21: Section 986 – Installing Communication Facilities for Gamblers

A. Installing communication facilities for gamblers is:

1. Installing communications facilities in a place which the person who installs the facilities knows is a gambling place;
2. Installing communications facilities knowing that they will be used principally for the purpose of transmitting information to be used in making or settling bets; or
3. Knowing that communications facilities are being used principally for the purpose of transmitting information to be used in making or settling bets, allowing their continued use.

B. Any person not an employee of a communications public utility authorized to transact business in this state by the Oklahoma Corporation Commission acting within the scope of his employment, violating subsection A above, who knows or has reason to know said communications facilities will be used in making or settling commercial gambling transactions and installs said facilities with the intent to facilitate said commercial gambling transactions and is found guilty thereof shall be guilty of a felony and shall be punished by imprisonment for not more than five (5) years or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

C. When any communications public utility providing telephone communications service is notified in writing by an order of a court of competent jurisdiction, acting within its jurisdiction, that any facility furnished by it is being used principally for the purpose of transmitting or receiving gambling information, it shall discontinue or refuse the leasing, furnishing or maintaining of such facility, after reasonable notice to the subscriber, but no damages, penalty or forfeiture, civil or criminal, shall be found against any such public utility for any act done in compliance with any such court order. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a court of competent jurisdiction, that such facility should not be discontinued or removed, or should be restored.

Historical Data

Laws 1975, HB 1042, c. 283, § 6, eff. October 1, 1975; Amended by Laws 1997, HB 1213, c. 133, § 273 (effective date changed to July 1, 1999, by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998) (superseded document available); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 176, emerg. eff. July 1, 1999 (superseded document available).

Title 21: Section 987 – Dissemination of Gambling Information

A. Dissemination of gambling information is the transmitting or receiving, by means of any communications facilities, information to be used in making or settling bets. Provided that nothing herein shall prohibit a licensed radio or television station or newspaper of general circulation from broadcasting or disseminating to the public reports of odds or results of legally staged sporting events.

B. Any person found guilty of disseminating gambling information shall be guilty of a felony and shall be punished by imprisonment for not more than five (5) years or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

Historical Data

Laws 1975, HB 1042, c. 283, § 7, eff. October 1, 1975; Amended by Laws 1997, HB 1213, c. 133, § 274, (effective date changed to July 1, 1999, by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998) (superseded document available); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 177, emerg. eff. July 1, 1999 (superseded document available).

Title 21: Section 988 - Conspiracy

A. A conspiracy is any agreement, combination or common plan or scheme by two or more persons, coupled with an overt act in furtherance of such agreement, combination or common plan or scheme, to violate any section of this act.

B. Any person found guilty of conspiracy shall be punished to the same extent as provided for in the section of this act which such person conspired to violate.

Historical Data

Laws 1975, HB 1042, c. 283, § 8, eff. October 1, 1975.

Chapter 38 – Gambling – Racing**Title 21: Section 991 – Betting or Letting Premises for Betting on Races**

A. Except as provided for in the Oklahoma Horse Racing Act, it shall be unlawful for any person, association, or corporation:

1. to bet or wager upon the result of any trial of speed or power of endurance of animals or beasts; or
2. to occupy any room, shed, tenement or building, or any part thereof, or to occupy any place upon any grounds with books, apparatus, or paraphernalia for the purpose of recording or registering bets or wagers or of selling pools, or making books or mutuals upon the result of any trial of speed or power of endurance of animals or beasts; or
3. being the owner or lessee or occupant of any room, tent, tenement, shed, booth, or building, or part thereof at any place knowingly to permit the same to be used or occupied to keep, exhibit, or employ any device or apparatus for the purpose of recording or registering such bets or wagers or the selling or making of such books, pools or mutuals, or to become the custodian or depository for gain, hire or reward of any money, property or thing of value, bet or wagered or to be wagered or bet upon the result of any trial of speed or power of endurance of animals or beasts; or
4. to receive, register, record, forward or purport or pretend to forward to or for any racetrack within or without this state, any money, thing or consideration of value offered for the purpose of being bet or wagered upon the result of any trial of speed or power of endurance of any animal or beast; or
5. to occupy any place, or building or part thereof with books, papers, apparatus, or paraphernalia for the purpose of receiving or pretending to receive or for recording or for registering or for forwarding or pretending or attempting to forward in any manner whatever, any money, thing or consideration of value, bet or wagered or to be bet or wagered by any person, or to receive or offer to receive any money, thing, or consideration of value bet or to be bet upon the result of any trial of speed or power of endurance of any animal or beast; or
6. to aid or assist or abet at any racetrack or other place in any manner in any of the acts forbidden by this section.

B. Any person, association, or corporation convicted of violating the provisions of paragraph 1 of subsection A of this section shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) and be imprisoned not more than ninety (90) days. Any person, association, or corporation convicted of violating any provision of paragraphs 2, 3, 4, 5 or 6 of subsection A of this section shall be guilty of a felony and shall be fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment.

C. Any personal property used for the purpose of violating any of the provisions of this section shall be disposed of as provided for in Section 1261 of Title 22 of the Oklahoma Statutes.

Historical Data

Laws 1913, SB 50, c. 185, p. 414, § 1; Amended by Laws 1983, HB 1022, c. 11, § 37, emerg. eff. March 22, 1983; Amended by Laws 1997, HB 1213, c. 133, § 275, emerg. eff. July 1, 1998 (superseded document available); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 178, emerg. eff. July 1, 1999 (superseded document available).

Title 21: Section 992 - Repealed

Repealed by Laws 2017, HB 1003, c. 2, § 2, eff. November 1, 2017

Historical Data

Laws 1913, SB 50, c. 185, § 2; Repealed by Laws 2017, HB 1003, c. 2, § 2, eff. November 1, 2017 (superseded document available).

Title 21: Section 993 – evidence for Prosecution – Accomplices – Immunity for Witnesses

A conviction for the violation of any of the provisions of this act may be had upon the unsupported evidence of an accomplice or participant, and such accomplice or participant shall be exempt from prosecution for any offense in this act about which he may be required to testify.

Historical Data

Laws 1913, SB 50, c. 185, p. 416, § 3.

Chapter 38 – Gambling – Bingo

Title 21: Section 995.1 – 995.15 - Repealed

Repealed by Laws 1992, HB 2074, c. 328, § 33, eff. December 1, 1992

Historical Data

Repealed by Laws 1992, HB 2074, c. 328, § 33, eff. December 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held November 3, 1992.

Title 21: Section 995.16 – 995.17 - Repealed

Repealed by Laws 1980, HB 1851, c. 88, § 1, emerg. eff. April 10, 1980

Historical Data

Laws 1973, HB 1220, c. 265, § 16, emerg. eff. May 24, 1973; Repealed by Laws 1980, HB 1851, c. 88, § 1, emerg. eff. April 10, 1980.

Title 21: Section 995.18

Repealed by Laws 1989, HB 1135, c. 154, § 2, emerg. eff. July 1, 1989

Historical Data

Repealed by Laws 1989, HB 1135, c. 154, § 2, emerg. eff. July 1, 1989.

Chapter 41 - Lotteries

Title 21: Section 1051 - Lottery Defined – Exceptions (effective 11/1/2018)

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

1. The Oklahoma Lottery Commission to conduct a lottery pursuant to the provisions of the Oklahoma Education Lottery Act;
2. A bona fide resident merchant or merchants of a city or town, acting in conjunction with the Chamber of Commerce or Commercial Club of this state thereof, to issue free of charge numbered tickets on sales of merchandise, the corresponding stub of one or more of which tickets to be drawn or chosen by lot by a representative or representatives of the Chamber of Commerce or of the Commercial Club in the manner set forth on the tickets, the numbered stub or stubs so drawn to entitle the holder of the corresponding numbered issued ticket to a valuable prize donated by the merchant;

3. A bona fide community chest welfare fund on a military post or reservation to issue numbered tickets in conjunction with voluntary contributions to the fund, the corresponding stub or stubs of one or more of the tickets to be drawn by lot under the supervision of a military commander, the stub or stubs so drawn entitling the ticket holder to a prize of some value. Provided, however, that no person shall sell tickets or receive contributions to the fund off the military reservation;

4. a. A qualified organization to raise funds by issuing numbered tickets in conjunction with voluntary contributions to the qualified organization, the corresponding stub or stubs of one or more of the tickets to be drawn by lot under the supervision of an official of the qualified organization, the stub or stubs so drawn entitling the ticket holder to a prize. As used in this paragraph, "qualified organization" means:

- (1) a church,
- (2) a public or private school accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs,
- (3) a student group or organization affiliated with a public or private school qualified pursuant to division (2) of this subparagraph,
- (4) a parent-teacher association or organization affiliated with a public or private school qualified pursuant to division (2) of this subparagraph,
- (5) fire departments,
- (6) police departments,
- (7) organizations that are exempt from taxation pursuant to the provisions of subsection (c) of Section 501 of the United States Internal Revenue Code, as amended, 26 U.S.C., Section 501(c) et seq., or
- (8) an "organization" as such term is defined in paragraph 20 of Section 402 of Title 3A of the Oklahoma Statutes.

b. Any raffle conducted by a qualified organization shall be conducted by members of the qualified organization without compensation to any member. The organization shall not hire or contract with any person or business association, corporation, partnership, limited partnership or limited liability company to conduct a raffle, to sell raffle tickets or to solicit contributions in connection with a raffle on behalf of the organization; or

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

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

Historical Data

R.L. 1910, § 2470; Laws 1929, SB 89, c. 19, p. 16, § 1, approved April 6, 1929; Amended by Laws 1957, HB 549, c. 41a, p. 163, § 1, approved March 20, 1957; Amended by Laws 2003, HB 1278, c. 58, § 37, State Question No. 705, Legis. Ref. No. 330, approved by the people at the general election held November 2, 2004 (repealed by Laws 2009, SB 764, c. 2, § 4, emerg. eff. March 12, 2009); Amended by Laws 2003, SB 837, c. 202, § 1, effective when HB 1278 of the 1st Session of the 49th Oklahoma Legislature (SQ 705) was approved by the people at the general election held November 2, 2004, as amended by Laws 2004, HB 2445, c. 275, § 4, effective when HB 1278 of the 1st Session of the 49th Oklahoma Legislature (SQ 705) was approved by the people at the general election held November 2, 2004; Amended by Laws 2009, SB 764, c. 2, § 3, emerg. eff. March 12, 2009 (superseded document available); Amended by Laws 2018, HB 3319, c. 123, § 2, eff. November 1, 2018 (superseded document available)..

***Title 3A, Section 402, Paragraph 20, Oklahoma Charitable Games Act, definition of "organization":**

20. "Organization" means a religious, charitable, labor, fraternal, educational, or other type of association or any branch, lodge, chapter, or auxiliary of such association which:

- a. operates without profit to its members,
- b. has been in existence and been operating as a nonprofit organization for not less than two (2) years prior to applying for an organization license,

c. is exempt from taxation pursuant to the provisions of paragraphs (3), (4), (5), (6), (7), (8), (9), (10), or (19) of subsection (c) of Section 501 or paragraph (1) of subsection (a) of Section 509 of the United States Internal Revenue Code of 1986, as amended, 26 U.S.C., Section 501(c) et seq. or Section 509(a)(1), and

d. formulates bylaws which clearly identify and establish:

- (1) method of electing officers and their duties,
- (2) method by which members are elected, initiated or admitted,
- (3) the rights and privileges of each member,
- (4) that each member has one vote, and
- (5) that membership rights are personal to the member and not assignable;

Title 21: Section 1052 - Lottery Unlawful and Public Nuisance

Every lottery is unlawful, and a common public nuisance.

Historical Data

R.L. 1910, § 2471.

Title 21: Section 1053 - Penalty for Preparing Any Lottery

Any person who contrives, prepares, sets up, proposes or draws any lottery shall be guilty of a felony punishable by a fine equal to double the amount of the whole sum or value for which such lottery was made, and if such amount cannot be ascertained, then, by imprisonment in the State Penitentiary not exceeding two (2) years or by imprisonment in a county jail not exceeding one (1) year, or by a fine of Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

Historical Data

R.L. 1910, § 2472; Amended by Laws 1997, HB 1213, c. 133. § 282 (effective date amended to July 1, 1999, by Laws 1998, 1st Extr. Sess., c. 2, §§ 23-26, eff. June 19, 1998); Amended by Laws 1999, HB 1009X, § 185, emerg. eff. July 1, 1999.

Title 21: Section 1054 - Sell or Transfer of Lottery Tickets a Misdemeanor

Every person who sells, gives or in any manner whatever furnishes or transfers to or for any other person, any ticket, chance, share or interest, or any paper, certificate or instrument, purporting or represented or understood to be or represent any ticket, chance, share or interest in or depending upon the event of any lottery, is guilty of a misdemeanor.

Historical Data

R.L. 1910, § 2473.

Title 21: Section 1056 - Advertising or Publishing Lottery - Misdemeanor

Every person who, by writing or printing, by circulars or letters, or in any other way advertises or publishes any account of any lottery stating when or where the same is to be or has been drawn, or what are the prizes or any of them therein, or the price of a ticket or of any share or interest or where it may be obtained, or in any way aiding or assisting the same, or adapted to induce persons to adventure therein, is guilty of a misdemeanor.

Historical Data

R.L. 1910, § 2475.

Title 21: Section 1057 - Offers to Sell or Dispose of Property by Lottery - Misdemeanor

Every person who offers for sale, distribution or disposition in any way, any real or personal property, or things in action, or any interest therein, to be determined by lot or chance, that shall be dependent upon the drawing of any lottery within or out of this state, and every person who sells, furnishes or procures, or causes to be sold, furnished or procured in any manner whatsoever, any chance or share, or any interest whatsoever in any property

offered for sale, distribution or disposition in violation of this section, or any ticket or other evidence of any chance, share, or interest in such property, is guilty of a misdemeanor.

Historical Data

R.L. 1910, § 2476.

Title 21: Section 1058 - Penalty for Lottery Offices and Other Places

Every person who opens, sets up or keeps, by himself, or by any other person or persons, any office or other place for registering the numbers of any ticket in any lottery or for making, receiving or registering any bets or wagers upon the drawing, determination or result of any lottery, is punishable by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00).

Historical Data

R.L. 1910, § 2477.

Title 21: Section 1059 - Advertising - Publishing Lottery - Misdemeanor

Every person who, by writing or printing by circulars or letters, or in any other way, advertises or publishes any account of the opening, setting up or keeping of any office or other place for either of the purposes prohibited by the last section, is guilty of a misdemeanor.

Historical Data

R.L.1910, § 2478.

Title 21: Section 1060 - Insuring Lottery Tickets or Shares

Every person who insures or receives any consideration for insuring for or against the drawing of any ticket, share, or interest in any lottery, or for or against the drawing of any number, or ticket, or number of any ticket in any lottery; and every person who receives any valuable consideration upon any agreement to pay any sum, or to deliver any property or thing in action in the event that any ticket, share, or interest in any lottery, or any number, or ticket, or number of any ticket in any lottery shall prove fortunate or unfortunate, or shall be drawn or not drawn on any particular day or in any particular order; and every person who promises, agrees, or offers to pay any sum of money or to deliver any property or thing in action, or to do, or forbear to do anything for the benefit of any other person, with or without consideration, upon any event whatever connected with any lottery, is guilty of a misdemeanor.

Historical Data

R.L.1910, § 2479.

Title 21: Section 1061 - Penalty for Advertising or Publishing Insurance of Lottery

Every person who, by writing or printing, by circulars or letters, or in any other way, advertises or publishes any offer, notice or proposal for any violation of the last section, is guilty of a misdemeanor.

Historical Data

R.L.1910, § 2480.

Title 21: Section 1062 - Lottery Property - Forfeiture - Sale - Proceeds

All property offered for sale, distribution, or disposition, in violation of the provisions of this article, is forfeited to the people of this state, as well before as after the determination of the chance on which the same was dependent. And it is the duty of the respective district attorneys, to demand, sue for, and recover, in behalf of this state, all property so forfeited, and to cause the same to be sold when recovered, and to pay the proceeds of the sale of such property, and any monies that may be collected in any such suit, into the county treasury for the benefit of common schools.

Historical Data

R.L. 1910, § 2481.

Title 21: Section 1063 - Permitting Use of a Building for Lottery - Misdemeanor

Every person who lets or permits to be used any building or portion of any building, knowing that it is intended to be used for any of the purposes declared punishable by this article, is guilty of a misdemeanor.

Historical Data

R.L. 1910, § 2482.

Title 21: Section 1064 - Application to Lotteries Drawn Out of State

The provisions of this article apply in respect to lotteries drawn or to be drawn out of this state, whether authorized or not by the laws of the state where they are drawn or to be drawn, in same manner as to lotteries drawn or to be drawn within this state.

Historical Data

R.L. 1910, § 2483.

Title 21: Section 1065 - Advertisements by Out of State Persons

The provisions of Sections 2475 and 2478 are applicable wherever the advertisement was published, or the letter or circular sent or delivered through or in this state, notwithstanding the person causing or procuring the same to be published, sent or delivered, was out of this state at the time of so doing.

Historical Data

R.L. 1910, § 2484.

Title 21: Section 1066 - Lottery - Circumstances Constituting

Every person who sets up, promotes or engages in any plan by which goods or anything of value is sold to a person, firm or corporation for a consideration and upon the further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase or purchases and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining in the plan, shall be held to have set up and promoted a lottery and shall be punished as provided in Section [1068](#) of this title.

Historical Data

Laws 1957, p. 162, § 1; Amended by Laws 1997, H.B. No. 1213 c. 133. § 283, emerg. Effective Date Amended to July 1, 1999 by Laws 1998, c. 2 (First Extraordinary Session), §§ 23-26, effective June 19, 1998.

Title 21: Section 1067 - Injunction

The district court of the judicial district in which any such plan is proposed, operated or promoted may issue an injunction without bond, upon petition filed by the Attorney General, the district attorney of the county in which such plan is proposed, operated or promoted, or other interested individual, to enjoin the further operation of any such plan.

Historical Data

Laws 1957, HB 866, p. 162, § 2, emerg. eff. June 1, 1957.

Title 21: Section 1068 - Violations and Penalty

Any person violating the provisions of Section [1066](#) or [1067](#) of this title shall, upon conviction thereof, be guilty of a felony and be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment for a term not exceeding two (2) years in the State Penitentiary, or by both such fine and imprisonment.

Historical Data

Laws 1957, p. 162, § 3; Amended by Laws 1997, H.B. No. 1213 c. 133. § 284, emerg. Effective Date Amended to July 1, 1999 by Laws 1998, c. 2 (First Extraordinary Session), §§ 23-26, effective June 19, 1998; Amended by H.B. 1009X (1st Ex. Sess. 1999), § 186, emerg. eff. July 1, 1999.

Title 21: Crimes and Punishments – Chapter 1 – Preliminary Provisions

Title 21: Section 4 – Two Types of Crimes

Crimes are divided into:

1. Felonies;
2. Misdemeanors.

Historical Data

R.L. 1910, § 2085.

Title 21: Section 5 – Definition of Felony

A felony is a crime which is, or may be, punishable with death, or by imprisonment in the penitentiary.

Historical Data

R.L. 1910, § 2086; Amended by Laws 1997, HB 1213, c. 133, § 11 (effective date amended to July 1, 1999, by Laws 1998, 1st Extr. Sess., HB 1002, c. 2, §§ 23-26, emerg. eff. June 19, 1998); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 2, emerg. eff. July 1, 1999 (superseded document available).

Title 21: Section 6 – Definition of Misdemeanor

Every other crime is a misdemeanor.

Historical Data

R.L. 1910, § 2087.

Title 21: Section 9 - Punishment of Felonies

Except in cases where a different punishment is prescribed by this title, or by some existing provision of law, every offense declared to be felony is punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary not exceeding two (2) years, or by both such fine and imprisonment.

Historical Data

R.L. 1910, § 2090; Amended by Laws 1997, HB 1213, c. 133, § 13, emerg. eff. July 1, 1998 (superseded document available); Amended by Laws 1999, 1st Extr. Sess., HB 1009, c. 5, § 4, emerg. eff. July 1, 1999 (superseded document available).

Title 21: Section 10 - Punishment of Misdemeanors - Generally

Except in cases where a different punishment is prescribed by this chapter or by some existing provisions of law, every offense declared to be a misdemeanor is punishable by imprisonment in the county jail not exceeding one year or by a fine not exceeding five hundred dollars, or both such fine and imprisonment.

Historical Data

R.L. 1910, § 2091.

Title 21: Crimes and Punishments – Chapter 2 – General Provisions

Title 21: Section 21 - Prohibited Act a Misdemeanor Unless Otherwise Stated

Where the performance of an act is prohibited by any statute, and no penalty for the violation of such statute is imposed in any statute, the doing of such act is a misdemeanor.

Historical Data

R.L. 1910, § 2792.