CHAPTER 19

Gambling and Lotteries

**SECTION 16‑19‑10.** Setting up lotteries.

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

HISTORY: 1962 Code Section 16‑501; 1952 Code Section 16‑501; 1942 Code Section 1231; 1932 Code Section 1231; Cr. C. ‘22 Section 123; Cr. C. ‘12 Section 259; Cr. C. ‘02 Section 199; G. S. 2596; R. S. 185; 1762 (4) 180; 1996 Act No. 292, Section 3.

**SECTION 16‑19‑20.** Adventuring in lotteries.

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

HISTORY: 1962 Code Section 16‑502; 1952 Code Section 16‑502; 1942 Code Section 1232; 1932 Code Section 1232; Cr. C. ‘22 Section 124; Cr. C. ‘12 Section 260; Cr. C. ‘02 Section 200; G. S. 2597; R. S. 186; 1762 (4) 180.

**SECTION 16‑19‑30.** Selling lottery tickets.

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

HISTORY: 1962 Code Section 16‑503; 1952 Code Section 16‑503; 1942 Code Section 1233; 1932 Code Section 1233; Cr. C. ‘22 Section 125; Cr. C. ‘12 Section 261; Cr. C. ‘02 Section 201; G. S. 2598; R. S. 187; 1846 (11) 368.

**SECTION 16‑19‑40.** Unlawful games and betting.

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

HISTORY: 1962 Code Section 16‑504; 1952 Code Section 16‑504; 1942 Code Section 1738; 1932 Code Section 1738; Cr. C. ‘22 Section 720; Cr. C. ‘12 Section 704; Cr. C. ‘02 Section 506; G. S. 1715; R. S. 391; 1802 (5) 432; 1816 (6) 27; 1909 (26) 66; 1999 Act No. 125, Section 5.

**SECTION 16‑19‑50.** Keeping unlawful gaming tables.

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

HISTORY: 1962 Code Section 16‑505; 1952 Code Section 16‑505; 1942 Code Section 1739; 1932 Code Section 1739; Cr. C. ‘22 Section 721; Cr. C. ‘12 Section 705; Cr. C. ‘02 Section 507; G. S. 1716; R. S. 392; 1816 (6) 27; 1999 Act No. 125, Section 7.

**SECTION 16‑19‑60.** Certain social games of tiles, cards, and dice not unlawful under certain circumstances.

 Notwithstanding any other provision of law to the contrary, it is not unlawful for persons who are members of a club or other social organization to gather for the purpose of engaging in games of tiles, cards, or dice including, but not limited to, canasta, mahjong, and bridge, where the games are played among members in a private residence, home, or community clubhouse or similar structure; no mechanical or electronic devices or machines of any kind, slot machines, pull tabs, punch boards, pull boards, or video games, devices, or machines of any kind are used or incorporated in any way; no person or entity of any kind receives any direct or indirect economic, financial, or monetary benefit of any kind; the host of the game or owner or lessee of the location in which the games are played does not receive any direct or indirect economic, financial, or monetary benefit of any kind; there is no betting, wagering, or gambling of any kind; a bona fide social relationship among the participants exists; and, except for the advantage of skill or luck, the risks of losing or winning are the same for all parties.

HISTORY: 2014 Act No. 194 (S.779), Section 1, eff June 2, 2014.

**SECTION 16‑19‑70.** Keeping gaming tables open or playing games on the Sabbath.

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

HISTORY: 1962 Code Section 16‑506; 1952 Code Section 16‑506; 1942 Code Section 1748; 1932 Code Section 1748; Cr. C. ‘22 Section 729; Cr. C. ‘12 Section 714; Cr. C. ‘02 Section 516; G. S. 2592; R. S. 402; 1790 (5) 350.

**SECTION 16‑19‑80.** Forfeiture of wagers.

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

HISTORY: 1962 Code Section 16‑507; 1952 Code Section 16‑507; 1942 Code Section 1741; 1932 Code Section 1741; Cr. C. ‘22 Section 723; Cr. C. ‘12 Section 707; Cr. C. ‘02 Section 509; G. S. 1718; R. S. 394; 1816 (6) 28; 1909 (26) 67.

**SECTION 16‑19‑90.** Betting on elections.

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

HISTORY: 1962 Code Section 16‑508; 1952 Code Section 16‑508; 1942 Code Section 1740; 1932 Code Sections 1412, 1740; Cr. C. ‘22 Sections 347, 722; Cr. C. ‘12 Sections 358, 706; Cr. C. ‘02 Sections 271, 508; G. S. 1717, 2546; R. S. 235, 393; 1850 (12) 72; 1909 (26) 67.

**SECTION 16‑19‑100.** Imprisonment in case of conviction.

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

HISTORY: 1962 Code Section 16‑512; 1952 Code Section 16‑512; 1942 Code Section 1744; 1932 Code Section 1744; Cr. C. ‘22 Section 726; Cr. C. ‘12 Section 711; 1909 (26) 67.

**SECTION 16‑19‑110.** Exoneration for becoming State’s evidence.

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

HISTORY: 1962 Code Section 16‑513; 1952 Code Section 16‑513; 1942 Code Section 1744; 1932 Code Section 1744; Cr. C. ‘22 Section 726; Cr. C. ‘12 Section 711; 1909 (26) 67.

**SECTION 16‑19‑120.** Officers shall destroy gambling devices after confiscation.

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

HISTORY: 1962 Code Section 16‑514; 1952 Code Section 16‑514; 1942 Code Section 1747; 1932 Code Section 1747; 1923 (33) 123.

**SECTION 16‑19‑130.** Betting, pool selling, bookmaking and the like prohibited.

 Any person within this State who:

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

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

 (3) Records or registers bets or wagers or sells pools or makes books, with or without writing, upon the result of any (a) trial or contest of skill, speed or power of endurance of man or beast, (b) political nomination, appointment or election or (c) lot, chance, casualty, unknown or contingent event whatsoever;

 (4) Receives, registers, records or forwards or purports or pretends to receive, register, record or forward, in any manner whatsoever, any money, thing or consideration of value bet or wagered or offered for the purpose of being bet or wagered by or for any other person or sells pools upon any such result;

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

 (6) Aids, assists or abets in any manner in any of the aforesaid acts, which are hereby forbidden;

 Shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars or imprisonment not exceeding six months, or both fine and imprisonment, in the discretion of the court.

HISTORY: 1962 Code Section 16‑515; 1952 Code Section 16‑515; 1942 Code Section 1749; 1932 Code Section 1749; Cr. C. ‘22 Section 730; 1912 (27) 713.

**SECTION 16‑19‑140.** Violation of Section 16‑19‑130 constitutes a nuisance.

 The violation of any of the provisions of Section 16‑19‑130 shall be deemed a common nuisance.

HISTORY: 1962 Code Section 16‑516; 1952 Code Section 16‑516; 1942 Code Section 1749; 1932 Code Section 1749; Cr. C. ‘22 Section 730; 1912 (27) 713.

**SECTION 16‑19‑150.** Punishment of offense covered by Section 16‑19‑40.

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

HISTORY: 1962 Code Section 16‑517; 1952 Code Section 16‑517; 1942 Code Section 1749; 1932 Code Section 1749; Cr. C. ‘22 Section 730; 1912 (27) 713.

**SECTION 16‑19‑160.** Punchboards for gaming.

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

HISTORY: 1962 Code Section 16‑518; 1952 Code Section 16‑518; 1942 Code Section 1749‑1; 1932 Code Section 1749‑A; Cr. C. ‘22 Section 731; 1918 (30) 728.