

TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 38
GAMING

18-3801. GAMBLING DEFINED. "Gambling" means risking any money, credit, deposit or other thing of value for gain contingent in whole or in part upon lot, chance, the operation of a gambling device or the happening or outcome of an event, including a sporting event, the operation of casino gambling including, but not limited to, blackjack, craps, roulette, poker, bacarrat [baccarat] or keno, but does not include:

- (1) Bona fide contests of skill, speed, strength or endurance in which awards are made only to entrants or the owners of entrants; or
- (2) Bona fide business transactions which are valid under the law of contracts; or
- (3) Games that award only additional play; or
- (4) Merchant promotional contests and drawings conducted incidentally to bona fide nongaming business operations, if prizes are awarded without consideration being charged to participants; or
- (5) Other acts or transactions now or hereafter expressly authorized by law.

[I.C., sec. 18-3801, as added by 1st Ex. Session 1992, ch. 2, sec. 3, p. 5.]

18-3802. GAMBLING PROHIBITED. (1) A person is guilty of gambling if he:

- (a) Participates in gambling; or
 - (b) Knowingly permits any gambling to be played, conducted or dealt upon or in any real or personal property owned, rented, or under the control of the actor, whether in whole or in part.
- (2) Gambling is a misdemeanor.

[I.C., sec. 18-3802, as added by 1st Ex. Session 1992, ch. 2, sec. 4, p. 5.]

18-3809. BOOKMAKING AND POOL SELLING. Any person who for gain, hire or profit engages in pool selling or bookmaking at any time or place within this state; or any person who keeps or occupies any room, shed, tenement, tent, booth or building, float or vessel, or any part thereof, or who occupies any place or stand of any kind, upon any public or private grounds within this state, with books, papers, paraphernalia, or mechanical device, for the purpose of engaging in pool selling or bookmaking, or recording or registering bets or wagers; or who sells pools or makes books upon the result of any trial or contest of skill, speed or power of endurance of man or beast for gain, hire or reward; or any person who, for gain, hire or reward, receives, registers, records and forwards to any other place, within or without this state, any money, consideration or thing of value for the purpose of having it there bet or wagered by or for any person, who at such place sells pools or makes books upon any such event, or any person who, being the owner, lessee or occupant of any such room, shed, tenement, tent, booth or building, float or vessel, or part thereof, or any grounds within this state, knowingly and willfully permits the same to be occupied and used for any of the purposes aforesaid, unless unable to legally prevent the same; or any person who aids,

assists or abets in any manner in any of said acts which are hereby forbidden, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for a period of not more than six (6) months or by both such fine and imprisonment.

[18-3809, added 1972, ch. 336, sec. 1, p. 923; am. 2006, ch. 71, sec. 12, p. 220.]

18-3810. SLOT MACHINES -- POSSESSION UNLAWFUL -- EXCEPTION. (1) Except as otherwise provided in this section, it shall be a misdemeanor for any person to use, possess, operate, keep, sell, or maintain for use or operation or otherwise, anywhere within the state of Idaho, any slot machine of any sort or kind whatsoever.

(2) The provisions of section [18-3804](#), Idaho Code, shall not apply to antique slot machines. For the purpose of this section, an antique slot machine is a slot machine manufactured prior to 1950, the operation of which is exclusively mechanical in nature and is not aided in whole or in part by any electronic means.

(3) Antique slot machines may be sold, possessed or located for purposes of display only and not for operation.

(4) An antique slot machine may not be operated for any purpose.

[18-3810, added 1986, ch. 8, sec. 2, p. 49; am. 2006, ch. 71, sec. 13, p. 220.]