TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 49
LOTTERIES

18-4901. LOTTERY DEFINED. A lottery is any scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining such property, or a portion of it, or for any share or interest in such property, upon any agreement, understanding or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by whatever name the same may be known. The pari-mutuel system used in racing shall not constitute a lottery, so long as it is conducted in conformity with the provisions of chapter 25, title 54, Idaho Code.

[I.C., sec. 18-4901, as added by 1972, ch. 336, sec. 1, p. 945; am. 1972, ch. 381, sec. 12, p. 1102; am. 1987, ch. 316, sec. 6, p. 664.]

18-4902. ENGAGING IN LOTTERY. Every person who contrives, prepares, sets up, proposes, or draws any lottery is guilty of a misdemeanor.

[18-4902, added 1972, ch. 336, sec. 1, p. 945.]

18-4903. TRAFFIC IN LOTTERY TICKETS. 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 understood to be, or to represent any ticket, chance, share or interest in, or depending upon the event of any lottery, is guilty of a misdemeanor.

[I.C., sec. 18-4903, as added by 1972, ch. 336, sec. 1, p. 945.]

18-4904. ASSISTING IN LOTTERY. Every person who aids or assists, either by printing, writing, publishing, or otherwise, in setting up, managing or drawing any lottery, or in selling or disposing of any ticket, chance, or share therein, or in advertising an illegal lottery, is guilty of a misdemeanor.

[18-4904, added 1972, ch. 336, sec. 1, p. 945; am. 2000, ch. 370, sec. 1, p. 1224.]

18-4905. MAINTAINING LOTTERY OFFICE. Every person who opens, sets up, or keeps by himself or any other person, any office or other place for the sale of, or for registering the number of any ticket in any lottery, or who, by printing, writing or otherwise, advertises or publishes the setting up, opening or using of any such office, is guilty of a misdemeanor.

[18-4905, added 1972, ch. 336, sec. 1, p. 945.]

18-4906. LOTTERY INSURANCE. Every person who insures or receives consideration for insuring for or against the drawing of any ticket in any lottery whatever, whether drawn, or to be drawn within this state or not, or who receives any valuable consideration upon any agreement to pay any sum, or

deliver the same, or any other property, if any lottery ticket or number of any ticket in any lottery shall prove fortunate or unfortunate, or shall be drawn or not drawn, at any particular time, in any particular order, or who promises or agrees to pay any sum of money, or deliver any goods, things in action, or property, or forbear to do anything for the benefit of any person, with or without consideration, upon any event or contingency dependent on the drawing of any ticket in any lottery, or who publishes any notice or proposal of any of the purposes aforesaid, is guilty of a misdemeanor.

[18-4906, added 1972, ch. 336, sec. 1, p. 946.]

18-4907. SEARCH, SEIZURE, AND CONFISCATION. All moneys and property offered for sale or distribution in violation of any of the provisions of this chapter are forfeited to the state. And whenever any judge shall have knowledge or receive satisfactory information of the violation of any of the provisions of this chapter within his district or county, it shall be his duty forthwith to issue his warrant, directed to the sheriff or constable, to seize and bring before him such moneys and property offered for sale or distribution. And, upon the conviction of any person or persons for violation of any of the provisions of this chapter, any property so seized as provided in this section, shall be sold by the sheriff or constable at public auction and the proceeds thereof paid over to the county treasurer of said county for the county school fund.

[18-4907, added 1972, ch. 336, sec. 1, p. 946; am. 2012, ch. 20, sec. 4, p. 67.]

18-4908. PERMITTING PREMISES TO BE USED FOR LOTTERY. Every person who lets, or permits to be used, any building or vessel, or any portion thereof, knowing that it is to be used for setting up, managing or drawing any lottery, or for the purpose of selling or disposing of lottery tickets, is guilty of a misdemeanor.

[18-4908, added 1972, ch. 336, sec. 1, p. 946.]

18-4909. EXCEPTIONS. The provisions of this chapter shall not apply to government land drawings, or to Carey act land drawings, or to the partitioning or division of real property and improvements thereon between joint owners or tenants in common by lot or any other method that such joint owners or tenants in common or their representative may agree upon. The provisions of this chapter shall not apply to advertising and promotional activities, whether or not conducted by mass media techniques, in which prizes may be awarded.

[18-4909, added 1972, ch. 336, sec. 1, p. 946; am. 1976, ch. 174, sec. 1, p. 636.]