



Idaho State Police

Service Since 1939



Colonel Ralph W. Powell
Director

April 2017

C.L. "Butch" Otter
Governor

Re: IDAHO CODE § 23-928(2)

Dear Licensee;

IDAHO CODE § 23-928(2) provides:

It shall be unlawful for any licensee granted a license under the authority of title 23, Idaho Code, to permit, conduct, play, carry on, open or cause to be opened any gaming in or upon the licensed premises or in or upon any premises directly connected by a door, hallway, or other means of access from the licensed premises. Any licensee authorized under the authority of this title and who is also authorized by other Idaho law to conduct the lawful activities of lottery, bingo, raffles, and pari-mutuel betting on the licensed premises shall be exempt from the provisions of this subsection as long as the lawful activities are conducted in conformity with statute and rules promulgated pursuant thereto.

The term "gaming" is defined in IDAHO CODE § 23-902(5) to "mean any and all gambling or games of chance defined in chapters 38 and 49, title 18, Idaho Code, or any section or sections thereof, whether those games are licensed or unlicensed." Alcohol Beverage Control Bureau rules further provide in part that "[a] violation of . . . state law . . . may subject the licensee to administrative sanctions pursuant to Sections 23-933, 23-1037 and 23-1331, Idaho Code." IDAPA 11.05.01.014. IDAHO CODE § 18-3801 defines "gambling" as: "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...*"

The machine [machines], commonly referred to as a "coin pusher," offer the opportunity for reward based upon a wager and an element of chance. ABC personnel have previously directed that the machine's [or machines'] operation be terminated and that the machine [machines] be removed from the licensed premises.

Please be advised that if you are allowing operation of a machine [machines] on the licensed premises, you shall remove the machine [machines] from the licensed premises. Failure to comply may result in administrative proceedings by ABC to impose licensure sanctions which can be in the form of a fine, license suspension, both fine and suspension, or license revocation.

Sincerely,

Capt. Bradley Doty
Idaho State Police
Alcohol Beverage Control