



Idaho State Police

Service Since 1939



Colonel Bill Gardiner
Director

Bulletin 25-02

Brad Little
Governor

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Reference: Bulletin 25-02 – Illegal Gambling Upon a Licensed Premises

Idaho State Police Alcohol Beverage Control has issued the following bulletin reiterating State laws and regulations regarding illegal gaming/gambling upon an alcohol licensed premises. ABC has received reports that certain gaming companies continue to market slot machines and other forms of illegal gambling devices to businesses in Idaho. While gaming can be lucrative, illegal gambling can be risky for businesses and can also cost businesses their licenses and permits. If an alcohol license is revoked by ABC for criminal violation convictions, a licensee may not be able to obtain an alcohol license in the State of Idaho in the future. Idaho's constitution and Idaho Code Titles 18 and 23 address Gambling laws.

Illegal Gambling Statutes

§ 23-928. Sale away from licensed premises prohibited -- Gambling prohibited. (1) It shall be unlawful for any licensee to sell, give away, dispense, vend, or deliver any liquor in any fashion or by means or device, except upon the licensed premises.

(2) 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.

§ 23-902. Definitions. *The following words and phrases used in this chapter shall be given the following interpretation:*(4) **"Gaming"** means 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.

§ 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:

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- (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.

§ 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.

§ 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.

Captain Rocky Gripton, Bureau Chief
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