

§9073. Skimming of lottery proceeds

A. Skimming of lottery proceeds is the intentional excluding, or the taking of any action in an attempt to exclude, any thing or its value from the deposit, counting, collection, or computation of gross revenues or net proceeds from lottery activities.

B. Whoever commits the crime of skimming of lottery proceeds when the amount skimmed or to be skimmed is less than one thousand dollars may be imprisoned, with or without hard labor, for not more than five years, or may be fined not more than five thousand dollars, or both.

C. Whoever commits the crime of skimming of lottery proceeds when the amount skimmed, or to be skimmed, is one thousand dollars or more but less than ten thousand dollars, shall be imprisoned at hard labor for not less than three years nor more than ten years without benefit of probation, parole, or suspension of sentence, and may be fined not more than twenty-five thousand dollars.

D. Whoever commits the crime of skimming lottery proceeds when the amount skimmed, or to be skimmed, is ten thousand dollars or more shall be imprisoned at hard labor for not less than ten years and not more than twenty-five years without benefit of probation, parole, or suspension of sentence, and may be fined not more than fifty thousand dollars.

E. The provisions of Code of Criminal Procedure Article 893 do not apply to persons convicted of violating the provisions of this Section.

Acts 1990, No. 1045, §1, eff. Nov. 7, 1990.

§9074. Crime of false statements relating to a lottery

No person shall knowingly or intentionally make a material false statement in any application for a license or proposal to conduct lottery activities or make a material false entry in any book or record which is compiled or maintained or submitted to the corporation pursuant to the provisions of this Subtitle. Any person who violates the provisions of this Section may be imprisoned at hard labor for not less than five and not more than ten years without benefit of probation, parole, or suspension of imposition of sentence and may be fined an amount not to exceed twenty-five thousand dollars or the dollar amount of the false entry or statement, whichever is greater.

Acts 1990, No. 1045, §1, eff. Nov. 7, 1990.

§9075. Illegal lottery devices

A. Illegal lottery devices as described in this Section are per se gambling devices and contraband.

B. As used in this Section, the term "illegal lottery device" means:

(1) Forged, counterfeit, or stolen, or improperly issued or illegally possessed lottery tickets.

(2) Any device of any sort whatsoever which utilizes a cathode ray tube or video screen upon which symbols, numbers, cards, figures, facsimiles, or data appear for observation by the player and which is equipped with either:

(a) A cash automatic payout device, or

(b) A capability, design, device, or programming capable of releasing free games, credits, or replays and a capability, design, device, or programming to record the free games, credits, or free plays so released.

(3) Any video device which accepts coins or credits for the purpose of advancing the odds or benefits to the player for successful completion of the object of play, or which may award a cumulative total in excess of fifteen free games or replays.

C. All law enforcement officers of municipal police forces, sheriffs' departments, and the office of state police may confiscate and immediately destroy all illegal lottery devices or other video machines used for illegal gambling that come to their attention.

D. Any video lottery device or equipment in possession of a licensed manufacturer, seller, distributor, transporter, or repairman in this state shall not be subject to confiscation and destruction unless such device or equipment is being used for unlawful gambling activities.

E. Any law enforcement agency which seizes any illegal lottery device in accordance with this Section may, in lieu of the immediate destruction of the device, file a petition in the district court where the device was seized seeking a judicial determination that the seized device is an illegal lottery device. The petition shall require the persons and entities from whom the device was seized and such other persons as the agency believes may have an interest in the device to appear and show cause why the seized device should not be destroyed as an illegal lottery device.

F. The provisions of this Section shall not apply to electronic bingo machines the possession and use of which has been authorized and licensed pursuant to R.S. 33:4861.17 or to any lottery game or equipment authorized pursuant in the Subtitle.

G. Neither the state nor any political subdivision, agency, agent, or enforcement officer thereof shall be liable civilly or criminally for the destruction of any illegal lottery device.

Acts 1990, No. 1045, §1, eff. Nov. 7, 1990.

CHAPTER 9. TRANSPORTATION OF LOTTERY
DEVICES - DECLARATION

§9080. State declaration of exemption from provisions of certain federal statutes

Pursuant to 15 U.S.C. 1171 through 1177, the state of Louisiana, acting by and through its duly elected and qualified members of its legislature, does hereby in this Section, declare that the state of Louisiana or the portions within which lottery operations are authorized are exempt from the provisions of 15 U.S.C. 1171 through 1177 as said provisions pertain to, regulate, restrict, or prohibit the transportation into the state of Louisiana of lottery supplies, equipment, and devices approved or authorized by the provisions of this Subtitle.

Acts 1990, No. 1045, §1, eff. Nov. 7, 1990.

§9081. Legal shipments of lottery devices into state

All shipments of lottery supplies, equipment, and devices into any parish of the state of Louisiana within which lottery operations are authorized shall be deemed legal shipments of such devices for purposes of federal law.

Acts 1990, No. 1045, §1, eff. Nov. 7, 1990.