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HOUSE BILL 648

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Ben Lujan

AN ACT

RELATING TO GAMBLING; PROHIBITING ACCOUNT WAGERING; AMENDING
\SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-19-1 NMSA 1978 (being Laws 1963,
Chapter 303, Section 19-1, as amended) is amended to read:

"30-19-1. DEFINITIONS RELATING TO GAMBLING.--As used in
Chapter 30, Article 19 NMSA 1978:

A. "account wagering" means a system of betting in
which an individual deposits money in an account and then uses
the account balance to pay for bets placed in person, by
telephone or by other electronic means, including by internet,
wire or cable;

~~[A.]~~ B. "antique gambling device" means a gambling
device manufactured before 1970 and substantially in original

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underscoring material = new
[bracketed material] = delete

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1 condition that is not used for gambling or commercial gambling
2 or located in a gambling place;

3 ~~[B.]~~ C. "bet" means a bargain in which the parties
4 agree that, dependent upon chance, even though accompanied by
5 some skill, one stands to win or lose anything of value
6 specified in the agreement. A bet does not include:

7 (1) bona fide business transactions that are
8 valid under the law of contracts, including:

9 (a) contracts for the purchase or sale,
10 at a future date, of securities or other commodities; and

11 (b) agreements to compensate for loss
12 caused by the happening of the chance, including contracts for
13 indemnity or guaranty and life or health and accident
14 insurance;

15 (2) offers of purses, prizes or premiums to
16 the actual contestants in any bona fide contest for the
17 determination of skill, speed, strength or endurance or to the
18 bona fide owners of animals or vehicles entered in such
19 contest;

20 (3) a lottery as defined in this section; or

21 (4) betting otherwise permitted by law;

22 ~~[C.]~~ D. "gambling device" means a contrivance other
23 than an antique gambling device that is not licensed for use
24 pursuant to the Gaming Control Act and that, for a
25 consideration, affords the player an opportunity to obtain

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1 anything of value, the award of which is determined by chance,
2 even though accompanied by some skill, whether or not the prize
3 is automatically paid by the device;

4 ~~[D-]~~ E. "gambling place" means a building or tent,
5 a vehicle, whether self-propelled or not, or a room within any
6 of them that is not within the premises of a person licensed as
7 a lottery retailer or that is not licensed pursuant to the
8 Gaming Control Act, one of whose principal uses is:

- 9 (1) making and settling of bets;
10 (2) receiving, holding, recording or
11 forwarding bets or offers to bet;
12 (3) conducting lotteries; or
13 (4) playing gambling devices; and

14 ~~[E-]~~ F. "lottery" means an enterprise wherein, for
15 a consideration, the participants are given an opportunity to
16 win a prize, the award of which is determined by chance, even
17 though accompanied by some skill. "Lottery" does not include
18 the New Mexico state lottery established and operated pursuant
19 to the New Mexico Lottery Act or gaming that is licensed and
20 operated pursuant to the Gaming Control Act. As used in this
21 subsection, "consideration" means anything of pecuniary value
22 required to be paid to the promoter in order to participate in
23 a gambling or gaming enterprise."

24 Section 2. Section 30-19-15 NMSA 1978 (being Laws 1979,
25 Chapter 4, Section 1) is amended to read:

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