

TITLE 70

REGULATED ACTIVITIES

TITLE 70 REGULATED ACTIVITIES

CHAPTER

1 COMMERCIAL GAMBLING: BINGO

2 JUVENILE GAMBLING

3 [RESERVED]

CHAPTER 1 COMMERCIAL GAMBLING: BINGO

Section

1-101 Definitions	1-105 Keeping of commercial bingo establishment
1-102 Commercial gambling prohibited	1-106 Area and age restrictions
1-103 Keeping of commercial gambling establishment	1-107 Violations
1-104 Commercial bingo; restricted hours	1-108 Local option

§1-101. Definitions. — As used in this chapter, unless the context clearly requires otherwise:

(1) “Bingo” means a game of chance played by drawing numbers from a container and covering with counters corresponding numbers on cards, the winner being the first to cover the numbers in a predetermined pattern.

(2) “Commercial bingo” means engaging in the business, for a sure and steady profit, of bingo activities or the providing of bingo devices for the purpose of conducting bingo activities.

(3) “Commercial bingo establishment” means any real estate, building, room, tent, vehicle, boat or other property whatsoever, one of the uses of which is commercial bingo.

(4) “Commercial gambling” means engaging in the business, for a sure and steady profit, of gambling or the providing of commercial gambling devices; PROVIDED that “commercial gambling” shall not include “bingo.”

(5) “Commercial gambling establishment” means any real estate, building, room, tent, vehicle, boat or other property whatsoever, one of the uses of which is commercial gambling; PROVIDED that “commercial gambling establishment” shall not include “commercial bingo establishment.”

(6) “Gambling” means an act or agreement that, dependent on chance, even though accompanied by some skill, one stands to win or lose something of value. Gambling does not include an offer of a prize, award or compensation to the actual contestants in a bona fide contest for the determination of skill, speed, strength or endurance, or to the owners of animals, vehicles or watercraft entered in the contest.

(7) “Gambling device” means any mechanical, electronic or manually operated device, or machine, or activity designed, altered or operated so that for a consideration a player is afforded an opportunity to obtain anything of value, the award of which is determined by chance, even though accompanied by some skill, whether or not the prize is automatically paid by a machine or device; PROVIDED that devices used solely for the game of bingo or devices of which no part of the value attained or lost by the person engaged in the gambling inures to the benefit of the operator or owner of

the device or establishment wherein the device is located shall not be considered gambling devices for purposes of this chapter. Any mechanical, electronic or manually operated device, machine or activity designed, altered or operated so that the thing of value received for consideration is music, recreation or the immediate right of replay not exchangeable for value is not a gambling device.

(8) "Thing of value" means any benefit, whether monetary or not, which may be exchanged for an item having a value in money.

Source: D.L. No. 3L-130-75 §1, 6/3/75

§1-102. Commercial gambling prohibited. — No person shall engage in the business of commercial gambling in Pohnpei State, nor shall any person intentionally or knowingly import, use, possess, sell or control any gambling device in Pohnpei State with the intent to use such device in the business of commercial gambling in Pohnpei State.

Source: D.L. No. 3L-130-75 §2, 6/3/75

§1-103. Keeping of commercial gambling establishment. — No person shall knowingly use or permit another to use any real estate, building, room, tent, vehicle, boat or other property whatsoever owned by him or under his control as a commercial gambling place, or rent or let any such property with a view that it will be so used.

Source: D.L. No. 3L-130-75 §3, 6/3/75

§1-104. Commercial bingo; restricted hours. — No person shall operate a commercial bingo establishment nor shall any person engage in bingo activities in a commercial bingo establishment except between the hours of 3 p.m. and 12 midnight; PROVIDED, HOWEVER, that on Saturdays, Sundays, and legal holidays said hours shall be between 10 a.m. and 12 midnight.

Source: D.L. No. 3L-130-75 §4, 6/3/75; D.L. No. 4L-12-76 §1, 4/22/76; D.L. No. 4L-35-76 §1, 5/14/76

§1-105. Keeping of commercial bingo establishment. — No person shall knowingly use or permit another to use any real estate, building, room, tent, vehicle, boat or other property whatsoever owned by him or under his control as a commercial bingo establishment, or rent, or let any such property with a view that it will be so used except between the hours specified by §1-104.

Source: D.L. No. 3L-130-75 §5, 6/3/75; D.L. No. 4L-12-76 §2, 4/22/76; D.L. No. 4L-35-76 §2, 5/14/76

§1-106. Area and age restrictions. — The owner or operator of any commercial bingo establishment in Pohnpei State shall physically separate, by ropes, wall, fence or other physical barrier sufficient to prevent bodily contact between the players and nonparticipants in the bingo activities, the area in which bingo activities are conducted from access by the general public. No person shall enter the restricted area who is under the age of 18 years whether or not he is accompanied by a parent or guardian of 18 years of age or older. No person shall participate in the bingo establishment who is not within the restricted area so specified.

Source: D.L. No. 3L-130-75 §6, 6/3/75

§1-107. Violations. — Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be imprisoned for a period of not more than one year, or fined not more than \$1,000, or both such fine and imprisonment.

Source: D.L. No. 3L-130-75 §7, 6/3/75

§1-108. Local option. — Nothing in this chapter shall be interpreted to prevent any local government by duly enacted ordinance from further restricting gambling or bingo within that local jurisdiction, or for the requiring of the payment of licenses for the privilege of engaging in these activities.

Source: D.L. No. 3L-130-75 §8, 6/3/75

CHAPTER 2 JUVENILE GAMBLING

Section

2-101 Prohibition on gambling by juveniles

2-102 Violation

§2-101. Prohibition on gambling by juveniles. — It shall be unlawful for any juvenile to participate in any form of gambling, of which dice, playing cards, and billiards are examples, in which the stakes are money or property, real or personal.

Source: PDC §6-2, 3/71

§2-102. Violation. — Any person found to be encouraging, enticing or permitting a juvenile to violate §2-101 shall, upon conviction thereof, be imprisoned for not less than six months, or fined not more than \$200, or both such fine and imprisonment. Any juvenile found violating §2-101 shall be dealt with in accordance with 61 PC 1-107 and 52 PC 6-104 and 6-105.

Source: PDC §6-10, 3/71; D.L. No. 3L-11-72 §1, 5/24/72

Note: The original section included a reference to the Trust Territory Code concerning a presumption of the responsibility of children, but incorrectly referenced 11 TTC §5, which pertains to insanity as a defense. 11 TTC §6 provides for a presumption of the responsibility of children. This part of the Trust Territory Code has been superseded by §10-3 of S.L. No. 3L-89-95. There is no equivalent section on the presumption of the responsibility of children in S.L. No. 3L-89-95.

CHAPTER 3 [RESERVED]

REGULATED ACTIVITIES

(Next page is Title 71, Division XI divider)