
PART FIVE — GENERAL OFFENSES CODE

ARTICLE 513 Gambling

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CROSS REFERENCES

See sectional histories for similar State law.
Gambling at fairs prohibited—see WV Code 19-7-8
Pari-mutuel system of wagering at race track permitted—see WV Code 19-23-9
Gaming contracts—see WV Code 55-9
Crimes against public policy—see WV Code 61-10

513.01 Keeping or exhibiting gambling apparatus.

No person shall keep or exhibit a gaming table, commonly called an A.B.C. or E.O. table, faro bank, keno table, or any slot machine, multiple coin console machine, multiple coin console slot machine or device in the nature of a slot machine, or any other gaming table or device of like kind, under any denomination of which has no name, whether the game, table, bank, machine or device is played with cards, dice or otherwise, or be a partner, or concerned in interest, in keeping or exhibiting such table, bank, machine or gaming device of any character. Any such table, faro bank, machine or gaming device, and all money staked or exhibited to allure persons to bet at such table or upon such gaming device, may be seized by the order of the Police Court and the money so seized shall be forfeited to the Municipality and paid into the Municipal Treasury and the table, faro bank, machine or gaming device shall be completely destroyed. However, the provisions of this section shall not extend to coin-operated non-payout machines with free play features or to automatic weighing, measuring, musical and vending machines which are so constructed as to give a certain uniform and fair return in value or services for each coin deposited therein and in which there is no element of chance. (WV Code 61-10-1.)

513.02 Permitting gambling apparatus on premises.

No person shall knowingly permit a gaming table, bank or device, as mentioned in Section 513.01, to be kept or exhibited on any premises in his occupation. (WV Code 61-10-2.)

513.03 Acting as lookout of guard for keeper of gambling apparatus.

No person shall act as doorkeeper, guard or watch, or employ another person to act as such, for a keeper or exhibitor of any gaming table, bank or device, prevent, hinder or delay lawful arrest of such keeper or exhibitor, or the seizure of the table, bank or device, or money exhibited or staked thereat, nor unlawfully take the same from the person seizing it. (WV Code 61-10-3.)

513.04 Playing on gambling apparatus; hotels, public places.

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No person shall bet or play at any gaming table, bank or device as mentioned in Section 513.01, or, at any hotel or tavern, other public place or place of public resort, play at any game except bowling, chess or backgammon, draughts or a licensed game, or bet on the side of those who play at any game, whether or not the game is permitted or licensed. (WV Code 61-10-4.)

513.05 Making wager for value or furnishing money to another for wager.

No person shall, at any place, public or private, bet or wage money or other thing of value on any game of chance, or knowingly furnish any money or other thing of value to any other person to bet or wage on any such game. (WV Code 61-10-5.)

513.06 Permitting gambling at public places.

No keeper of a hotel, tavern or other public place shall permit unlawful gaming at his house, or at any outhouse, booth, arbor or other place appurtenant thereto. (WV Code 61-10-6.)

513.07 Cheating or fraudulent actions while gambling or making a wager.

No person playing at any game or making a wager, or having a share in any stake or wager, or betting on the hands or sides of others playing at any game or making a wager, shall cheat, or by fraudulent means win or acquire for himself, or another, money or any other valuable thing. (WV Code 61-10-9.)

513.08 Poolrooms and pool tickets.

“Poolroom”, wherever used in this section, means any room where any pool ticket, chance voucher or certificate is sold entitling or purporting to entitle the holder or promisee thereof, or any other person, to money or other thing of value, contingent upon the result of any horse race, prizefight, game of chance, game of skill or science or other sport or contest. No person shall set up or promote, or be buying, selling or transferring of tickets or chances in any lottery is hereby prohibited. (WV Code 61-10-10.)

513.09 Lotteries and raffles.

Except as otherwise provided by law, no person shall set up, promote or be concerned in managing or drawing a lottery or raffle for money or other thing of value; knowingly permit such lottery in any house under his control; knowingly permit money or other property to be raffled in such house or to be won therein by throwing or using dice or by any other game of chance; knowingly permit the sale in such house of any chance or ticket, or share of a ticket in a lottery, or any writing, certificate, bill, token or other device purporting or intended to guarantee or assure to any person or to entitle him to a prize, or a share of or interest in a prize to be drawn in a lottery. No person shall for himself or any other person, buy, sell, transfer or have in his possession for the purpose of sale or with the intent to exchange, negotiate or transfer, or aid in selling, exchanging, negotiating or transferring a chance or ticket, or a share of a ticket, in a lottery or any such writing, certificate, bill, token or device. However, this section shall not be deemed to apply to that certain type or form of lottery or raffle designated and familiarly known as “policy” or “numbers”. (WV Code 61-10-11.)

513.99 Penalty.

(EDITOR’S NOTE: See Section 501.99 for General Offenses Code penalty if no specific penalty is provided.)

- (a) Whoever violates Section 513.04 or 513.06 shall be fined not more than \$100.00.
- (b) Whoever violates Section 513.05 shall be fined not more than \$300.00.