

Opinion No. 20-2485

February 14, 1920

BY: O. O. ASKREN, Attorney General

TO: Honorable George R. Craig, District Attorney, Albuquerque, New Mexico.

Slot Machines and Punch Boards in Violation of Gambling Law.

OPINION

In reply to your letter of February 12th, wherein you request me to express my views as to whether the various slot machines and punch boards, being operated with a percentage in favor of the owner or operator of the machine or board, are under the ban of our law which prohibits gambling, my views are as follows:

The operation of a game of chance by whatsoever name known or howsoever played, for money or anything of value, is denounced as a crime by Chapter 110, Session Laws 1917. Therefore, the concrete case mentioned in your letter of a machine in the form of a clock being operated by having a nickel deposited therein, and thereupon would pay sometimes one trade check and sometimes two trade checks, such checks being good only for candy and chewing gum, is a game of chance operated for a thing of value, and is denounced by our law as a crime.

As to the punch boards mentioned in your letter, wherein they are operated by punching numbers from said boards, indicating what amount of candy shall be given according to the number, sometimes a greater quantity and sometimes a smaller quantity, being for the same amount of money paid, such amount depending upon chance, the operation of such board is a game of chance for something of value, and is denounced by our law as a form of gambling.

All of such machines and punch boards, presumably used by the operator to stimulate trade, carry with them a percentage to the operator, and usually such devices furnish a much larger percentage to operator than the percentage in roulette, dice, faro, and various other banking games.

These punch boards, slot machines, and various devices which are employed by merchants of good repute, and operated in the open invite children of tender years to flirt with the Goddess of Chance, and, are, in my opinion much more demoralizing to the community than the ordinary banking games which were previously licensed to operate, because under licensed operation only adults could play thereat and usually such games were not open to the entire public, whereas the present form of gambling, though petty in its nature, breeds and fosters the desire of the younger generation to attempt to get something for nothing by way of chance, and this increases the already

too prevalent desire of the American people to stake their earnings on games of chance.

As to the several business men mentioned in your letter claiming that by reason of the fact they have a large amount of candy on hand, amounting to several hundred dollars which they purchased with the punch boards, and that if they are required to desist from operating these gambling games, it might mean quite a loss to them if they are not allowed to dispose of this candy with such gambling game. I might say such a position taken by them is ludicrous. It could be claimed equally with as much grace and reason by a person who had fitted up rooms containing roulette tables, crap tables, faro tables, and all the paraphernalia to operate a first class gambling hall, that if he were required to desist from operating such room that he would necessarily lose his expenditures for such paraphernalia.

The claim of the business men in this respect is absurd, and if they do not desist from gambling, then and in that event they should be vigorously prosecuted; also, they should be vigorously prosecuted for their past violations of the law in this respect, because they are presumed to know the law, and when they started this nefarious business they, through a desire for pecuniary gain, not only caused children to flirt with the Goddess of Chance, but they themselves took a chance with the Goddess of Justice.