

GAMBLING: The operation of a "bingo game" is a violation of the
BINGO: laws of this state.
KENO:

August 27, 1949



Honorable Homer F. Williams
Prosecuting Attorney
Bollinger County
Marble Hill, Missouri

Dear Sir:

This is in answer to your letter of recent date requesting an official opinion of this department and reading as follows:

"Is it a violation of the law for the American Legion, or for any other organization or association to conduct the game of bingo at their picnics? This game of bingo is played by a number of players seated at a stand, where they each have a bingo card and grains of corn with which they play. They each pay five cents to participate in the game, and there is an announcer who calls certain numbers under a certain letter and if that number appears on the participants bingo card, he puts a grain of corn on this space in his card, and thereafter the game continues until some one having filled in their card so that they have one continuous line up and down or across their card, calls "Bingo", and are awarded a card thereon, which, with other cards which they might similarly obtain, are good for certain presents which are exhibited about the Stands?"

Section 4675, R. S. Mo. 1939, provides that any person who sets up or keeps certain gambling devices or games in this state shall be guilty of a graded felony. One of the gambling games so denounced is that of "keno." The game which you describe in your opinion request is precisely the game that is know as "keno." Trimble vs. The State, 27 Ark. 355, Overby vs. State, 18 Fla. 178, Portis vs. State, 27 Ark. 360, Miller vs. State, 48 Ala. 122, Brown vs. State, 40 Ga. 689, Boasberg vs. State, 60 Fed. (2d) 185.

Since the game you have described is the game known as "keno," the mere fact that it is designated by the person who is setting up and operating such game as "bingo" does not in any way prevent the violation of Section 4675. So long as the actual game played is "keno," a violation of the statute exists.

CONCLUSION

It is the opinion of this department that the game described in your opinion request is "keno" and that any person who sets up, keeps or operates such a game may be prosecuted under provisions of Section 4675, R. S. Mo. 1939, which makes such setting up, keeping or operating a keno game a graded felony.

Respectfully submitted,

C. B. BURNS, JR.
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APPROVED:

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CBB:VLM