



STATE OF KANSAS

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ATTORNEY GENERAL OPINION NO. 87-140

The Honorable Paul Feleciano, Jr.
Senate Assistant Minority Leader
State Senator, 28th District
815 Barbara
Wichita, Kansas 67217

Re: Crimes and Punishments -- Crimes Against the Public
Morals -- Legality of Electronic Crane Amusement
Game

Synopsis: Electronic crane amusement games involve the use of
skill by the player to win a prize, and therefore
are not gambling devices as defined by Kansas law.
Cited herein: K.S.A. 21-4302, as amended by L.
1987 ch. 112, § 23 and by L. 1987 ch. 292, § 23.

* * *

Dear Senator Feleciano:

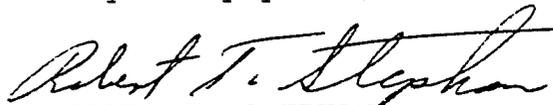
You have requested an opinion regarding the legality of a type
of electronic amusement machine. The machine in question is
an electronic, player-controlled crane. A player may win a
prize if the player is able to position the "claw" or "digger"
so that it will grasp a prize when it drops into the bin. The
player controls where the "claw" will drop by pushing each of
two buttons which move the claw to the rear, then to the side
of the bin.

K.S.A. 21-4302, as amended by L. 1987, ch. 112, § 23 and by
L. 1987, ch. 292, § 23, provides in pertinent part:

"A 'gambling device' is a contrivance which for a consideration affords the player an opportunity to obtain something of value, the award of which is determined by chance, or any token, chip, paper, receipt or other document which evidences, purports to evidence or is designed to evidence participation in a lottery or the making of a bet. The fact that the prize is not automatically paid by the device does not affect its character as a gambling device."
(Emphasis added.)

The game in question does require consideration and does afford the opportunity to win a prize. However, the prize is not awarded on the basis of chance. A player may develop skill in controlling where the claw drops and increase his opportunity of securing a prize. Since the element of chance is lacking, the machine does not fit within the definition of "gambling device" as set forth in K.S.A. 21-4302 as amended. Thus, the machines as described are legal in Kansas under current law.

Very truly yours,



ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS



Brenda L. Braden
Deputy Attorney General