



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

April 24, 1975

Opinion No. 75-189

The Honorable James L. Ungerer
State Representative
1000 Otoe
Marsyville, Kansas 66508

Dear Representative Ungerer:

You have requested our opinion on whether or not bingo can be advertised in the newspaper or on radio or television in regard to the laws of the State of Kansas.

There is no law in this state prohibiting any of these activities. However, there are federal laws dealing with this problem.

Title 18 U.S.C.A. 1302 contains the following language:

"Whoever knowingly deposits in the mail, or sends or delivers by mail:

* * *

any newspaper, circular, pamphlet or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise or scheme, whether said list contains any part or all of such prizes; . . .

Shall be fined not more than \$1,000.00 or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years"

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Furthermore, the United States Post Office has informed this office that mailing advertisements of a lottery is illegal, and that they would prosecute any violation of that law. In fact, they have furnished to the Secretary of Revenue, to be included in the license packet sent to bingo licensees, a letter informing the licensee of that law.

As to radio and television, 18 U.S.C.A. 1304 states:

"Whoever broadcasts by means of any radio station for which a license is required by any law of the United States, or whoever, operating any such station, knowingly permits the broadcasting of, any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise or scheme, whether said list contains any part or all of such prizes, shall be fined not more than \$1,000.00 or imprisoned not more than one year or both.

Each day's broadcasting shall constitute a separate offense."

Although this section specifically denotes radio stations, the prohibition extends to television stations as well. See American Broadcasting Company v. U.S., D.C.N.Y. 1952, 110 F. Supp. 374, affirmed 347 U.S. 284, 74 S. Ct. 593, 98 Law. Ed. 699.

Therefore, taking the above into consideration, it is our opinion that although there is no state law prohibiting advertising bingo games, that to do so would run afoul of the federal law.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:GFW:kj