

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.305a Racing results; unlawful use of teletype ticker, exceptions; prima facie evidence; penalties.

Sec. 305a.

It shall be unlawful for any corporation, association, firm, co-partnership or person, either directly, or indirectly, or by or through any agent or employee, to lease, loan, sell, assign or in any way cause to be furnished any machine, device or instrumentality, excluding the telephone, and including but not limited to the device commonly referred to as a teletype ticker, registering or recording by any words, figures, signs, characters or hieroglyphics information concerning and the results of racing as defined in section 331 of Act No. 328 of the Public Acts of 1931, being section 750.331 of the Compiled Laws of 1948, or any statement or information concerning the making or laying of wagers, or bets, or the selling of pools or evidences of betting odds on any such race, to any person, firm, association, co-partnership or corporation, directly, indirectly or otherwise, or to their agents or employees within this state; and it shall likewise be unlawful for any corporation, association, firm, co-partnership or person, either directly or indirectly, or by or through any agent or employee, to transmit, convey or otherwise cause to be transmitted or conveyed through facilities owned, operated, leased by, serviced by, or otherwise under the control of such corporation, association, firm, co-partnership or person, such information to a teletype ticker or other device or instrumentality recording the same within this state; and it shall likewise be unlawful for any corporation, association, firm, co-partnership or person to string wires or other means of transmitting such information to such device or instrumentality within this state, used for recording such information, or to maintain, service, repair, lease, rent or install such communication lines and such recording devices or instrumentalities to, in and upon any premises in this state: Provided, however, That the provisions hereof shall not apply to the transmission and recording of such information to bona fide newspapers, having a general circulation and carrying principally local, sports, or national news of general interest and shall not apply to duly licensed radio and television stations or to press associations for distribution to such newspapers, radio or television stations nor to the use of totalizers and mechanical devices legally used, under the provisions of section 13, Act No. 199, Public Acts of 1933 as amended, being section 431.13 of the Compiled Laws of 1948, it being the intention of this section to make unlawful the transmission of such information and the furnishing and maintenance of facilities for the receipt and recordation of such information to so-called hand-books, bookies, pool rooms and to any and all other agencies within this state for illegal gambling purposes. The presence of a so-called teletype ticker machine or other device or instrumentality for recording such information and the presence of wires installed for the transmitting of such information in, upon and to any premises within this state other than hereinbefore excepted is hereby declared to be prima facie evidence of the criminal intent of the person, firm, association, co-partnership or corporation and its agents and employees, lending, leasing, renting, conveying, supplying, servicing or otherwise maintaining said wires, devices or instrumentalities: Provided, however, That said presumption of criminal intent shall be rebutted if the corporation, association, firm, co-partnership, person, agent, or employee, furnishing, maintaining, servicing, or installing such device or facilities or transmitting such information, prior to the issuance of a warrant for the violation of this section, shall have notified the prosecuting attorney of the county where the violation is alleged to have occurred in writing that such device and facilities may be used for unlawful and illegal purposes. Any person, co-partnership, firm, association or corporation and any agent and employee thereof who shall, directly or indirectly, do or cause to be done any act or acts hereinbefore declared to be unlawful shall be guilty of a misdemeanor punishable by imprisonment in the state prison for not more than 2 years or by a fine of \$5,000.00, or both fine and imprisonment: Provided, however, That no public utility corporation engaged in the distribution and selling of electrical energy shall be deemed to be in violation of this act by reason of its sale of electrical energy to a telephone or telegraph company, or by reason of its permitting its poles or conduits to be occupied by the wires and cables of a telephone or telegraph company.

History: Add. 1952, Act 199, Eff. Sept. 18, 1952