

**Opinion No. 22-3630**

November 20, 1922

**BY:** HARRY S. BOWMAN, Attorney General

**TO:** Mr. Keith W. Edwards, Attorney at Law, Fort Sumner, New Mexico.

**Punch Boards Forbidden by Anti-Gambling Act.**

**OPINION**

{\*191} In reply to your letter of November 15th, asking if, in my opinion, Chapter 86, Laws 1921, (The Gambling Act), would be violated by the operation of punch boards for which a charge of ten cents for each punch was made, and in consideration for which sum, the person would receive a collar button or a stick of gum, or some other thing of value, and that in addition, upon the punching of a certain number a prize of more value would be given, I wish to say:

Section 1, Chapter 86, Laws 1921, provides that the playing of any game of chance played with any gaming device by whatsoever name known, for money or anything of value, shall be unlawful.

In an opinion rendered on February 14, 1920, in construing Chapter 110, Laws 1917, former Attorney General O. O. Askern, wrote to Honorable George R. Craig, District Attorney, that a punch board was a game of chance, the operation of which was prohibited by the law then in effect. This opinion bears Attorney General's No. 2485.

The Gambling Act of 1917 has been changed twice and the last legislative enactment is more severe and more stringent in every respect than the 1917 law. The language of Section 1, Chapter 86, Laws 1921, to my mind, leaves no doubt as to the intent of the legislature to prohibit gaming or gambling of every kind and nature whatsoever, and it seems clear that, included in the prohibition, is the operation of a punch board according to the plan suggested in your letter.

I am, therefore, of the opinion that a punch board, operated as stated in your letter, would be in violation of the provisions of the above mentioned chapter.