

Video Gambling Machines in Wisconsin

Gambling Laws Fact Sheet 4100

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This fact sheet provides information about the illegality of owning or operating video gambling machines in Wisconsin.

Gambling Machine

A gambling machine 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, even though accompanied by some skill and whether or not the prize is automatically paid by the machine (sec. 945.01(3), Wis. Stats.).

Illegal Activity

It is illegal for a person to possess, operate, setup, collect proceeds, or participate in earnings or maintenance of a video gambling machine for commercial gambling (sec. 945.03(1m), Wis. Stats.).

It is illegal for a person to allow any real estate owned or occupied or under the person's control to be used as a gambling place, or to permit a gambling machine to be set up for the purpose of gambling at a place under the person's control (sec. 945.04(1m), Wis. Stats.).

Note: A municipality may pass an ordinance that prohibits all forms of gambling in all places, including video gambling machines on any licensed or permitted premises (sec. 66.0107, Wis. Stats.).

Penalties

Class I Felony: A violation for possessing, operating, collecting proceeds, or participating in earnings or maintenance of a video gambling machine for commercial gambling has the following penalties:

- a fine not to exceed \$10,000, or
- imprisonment not to exceed 3 years and 6 months, or
- both

Class A Misdemeanor: A violation for allowing your property to have a gambling machine set up for the purpose of gambling has the following penalties:

- a fine not to exceed \$10,000, or
- imprisonment not to exceed 9 months, or
- both

Exception: The penalties described above do not apply, and instead there is a \$500 forfeiture per machine, if the violation occurs at a premises that meets both of the following criteria.

- The premises is described in a Class "B" or "Class B" alcohol beverage retail license or permit under ch. 125, Wis. Stats.
- The premises has five or fewer video gambling machines.

Only special agents of the Department of Revenue may enforce violations on such premises (secs. 945.03(2m), 945.04(2m), and 175.38, Wis. Stats.).

Note: Gambling machines are contraband and may be seized by law enforcement officers, including Special Agents of the Wisconsin Department of Revenue. In addition, if an ordinance has been enacted by a municipality, penalties for municipal ordinance violations may include seizure of the device, destruction of the device, and/or a forfeiture (secs. 968.13, 66.0107(1)(b), and 66.0113(1)(a), Wis. Stats.).

Complaints

Violations may be reported to any law enforcement agency that has jurisdiction (sec. 165.60, Wis. Stats.). If you wish to report violations to the Wisconsin Department of Revenue, you may do so by visiting the [Alcohol Beverage Complaint](#) page.

Note: Violations of municipal ordinances should be reported to the police department in that municipality (secs. 66.0113 and 66.0114, Wis. Stats.).

Questions or Comments?

If you have questions or comments about this fact sheet, email, write, or call the department.

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