



State of Wisconsin • DEPARTMENT OF REVENUE

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Tony Evers
Governor

Peter W. Barca
Secretary of Revenue

June 20, 2022

Dear Sir or Madam:

This is an informational notice to alert you to recent court decisions holding that video gambling machines, even those with a limited preview feature, violate Wisconsin law. This decision was initially made by the Wisconsin Court of Appeals. Because the Wisconsin Supreme Court declined to review the Court of Appeals' decision, this decision is now final, and the state must begin implementing the court's decision.

To that end, we are writing today to alert you of this court decision and to inform retailers that the operation of video gambling machines at a business that does not have a "Class B" or Class "B" license allowing customers to drink alcohol beverages on the premises is a serious violation of Wisconsin law. Due to this recent court ruling, any video gambling machines at your business premises should be immediately removed.

Local law enforcement agencies in multiple jurisdictions have begun enforcing this law given the Court's final decision. Violation of this law could result in the following:

- **Class I felony offense for commercial gambling (sec. 945.03(1m), Wis. Stats.)**
- **Fine of up to \$10,000, imprisonment, or both (secs. 945.03(1m) and 939.50(3)(i), Wis. Stats.)**
- **Class A misdemeanor offense for permitting premises to be used for commercial gambling (sec. 945.04(1m), Wis. Stats.)**
- **Seizure of video gambling machines (sec. 968.13, Wis. Stats.)**
- **Revocation of alcohol beverage license or permit (sec. 945.041, Wis. Stats.)**
- **Discontinuation as Lottery retailer (sec. 565.10(3)(a), Wis. Stats.)**
- **Closure of business as a public nuisance (sec. 823.20, Wis. Stats.)**
- **Penalties for "Class B" or Class "B" establishments (e.g., bars, taverns) are different (sec. 945.03, Wis. Stats.)**

If you have any questions about video gambling laws in Wisconsin, contact Customer Service at 608-266-2776. Additionally, you are encouraged to contact your attorney as you could potentially be in violation of these statutes and charged with felonies if you are hosting video gambling machines in your establishment.

Sincerely,

Justin Shemanski, Director
Office of Criminal Investigation