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Gambling in and of itself is not a crime in California. For gambling to be illegal, it must be a prohibited banking or percentage game where a rake was taken and that's what prosecutors must prove.

[Illegal Gambling in California | Penal Code 330 PC - Eisner Gorin LLP](#)

[egattorneys : illegal-gambling-penal-code-330](#)

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Some state and federal law enforcement officials declare flatly, "Yes, it's all illegal." Yet with thousands of websites taking billions of dollars in wagers each year, fewer than 25 people have ever been prosecuted in the United States for online gambling.

[An Introduction to the Law of Internet Gambling](#)

[digitalscholarship.unlv.edu : cgi : viewcontent](#)

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