

5169

2013-2014 Regular Sessions

I N S E N A T E

May 13, 2013

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law and the penal law, in relation to the transportation and possession of a gambling device, and to amend a chapter of the laws of 2013 amending the racing, pari-mutuel wagering and breeding law and the penal law relating to the transportation and possession of a gambling device, as proposed in legislative bills numbers S. 3792 and A. 2598, in relation to the effectiveness thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 21 of section 104 of the racing, pari-mutuel
2 wagering and breeding law, as added by a chapter of the laws of 2013
3 amending the racing, pari-mutuel wagering and breeding law and the penal
4 law relating to the transportation and possession of a gambling device,
5 as proposed in legislative bills numbers S. 3792 and A. 2598, is
6 amended to read as follows:
7 21. [Notwithstanding section 225.30 of the penal law, the commission
8 shall accept for filing the statement of any] PRIOR TO TRANSPORTING INTO
9 THIS STATE ANY GAMBLING DEVICES FOR THE PURPOSE OF EXHIBITION OR MARKET-
10 ING, AN officer [or employee] of [a] THE manufacturer [of] OR distribu-
11 tor of THE gambling devices [to permit the transportation and possession
12 of a gambling device within the state. The] SHALL FILE WITH THE GAMING
13 COMMISSION A statement [shall affirm] AFFIRMED under penalty of perjury
14 that such [device was] GAMBLING DEVICES ARE BEING transported into this
15 state in a sealed container and possessed solely for the purpose of
16 exhibition[,] OR marketing[, and product development]. Such statement
17 shall [further] specify the number of [machines] DEVICES, types of
18 [machines and] DEVICES, the dates upon which such [machines] DEVICES are
19 to be so transported and possessed within the state, which period shall

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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not exceed two weeks, AND THE IDENTITY OF THE PERSON OR PERSONS WHO WILL HAVE CUSTODY AND CONTROL OF THE DEVICES WHILE IN THIS STATE. SUCH STATEMENT SHALL FURTHER SPECIFY THAT THE GAMBLING DEVICES WILL THEREAFTER BE TRANSPORTED IN A SEALED CONTAINER TO A JURISDICTION OUTSIDE OF THIS STATE FOR PURPOSES THAT ARE LAWFUL IN SUCH OUTSIDE JURISDICTION. The commission may [prescribe by regulation] DETERMINE the form [and], content AND MANNER OF FILING of such statement AND SHALL BE AUTHORIZED TO PROMULGATE ANY RULES AND REGULATIONS NECESSARY TO CARRY OUT THE PURPOSES OF THIS SUBDIVISION.

S 2. Subdivision e of section 225.30 of the penal law, as added by a chapter of the laws of 2013 amending the racing, pari-mutuel wagering and breeding law and the penal law relating to the transportation and possession of a gambling device, as proposed in legislative bills numbers S. 3792 and A. 2598, is amended to read as follows:

e. Transportation and possession of a gambling device shall not be unlawful where (I) THE MANUFACTURER OR DISTRIBUTOR OF THE GAMBLING DEVICE HAS FILED A STATEMENT WITH THE STATE GAMING COMMISSION REQUIRED BY SUBDIVISION TWENTY-ONE OF SECTION ONE HUNDRED FOUR OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW, (II) such gambling device was transported into this state [pursuant to paragraph twenty-one of section one hundred four of the racing, pari-mutuel wagering and breeding law] IN A SEALED CONTAINER AND POSSESSED FOR THE PURPOSE OF EXHIBITION OR MARKETING IN ACCORDANCE WITH SUCH STATEMENT, AND (III) SUCH DEVICE IS THEREAFTER TRANSPORTED IN A SEALED CONTAINER TO A JURISDICTION OUTSIDE OF THIS STATE FOR PURPOSES THAT ARE LAWFUL IN SUCH OUTSIDE JURISDICTION.

S 3. Section 3 of a chapter of the laws of 2013 amending the racing, pari-mutuel wagering and breeding law and the penal law relating to the transportation and possession of a gambling device, as proposed in legislative bills numbers S. 3792 and A. 2598, is amended to read as follows:

S 3. This act shall take effect immediately[; provided however that section one of this act shall take effect on the same date and in the same manner as section 1 of part A of chapter 60 of the laws of 2012, takes effect] AND SHALL BE DEEMED TO HAVE BEEN IN FULL FORCE AND EFFECT ON AND AFTER MAY 1, 2013.

S 4. This act shall take effect immediately; provided that sections one and two of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2013 amending the racing, pari-mutuel wagering and breeding law and the penal law relating to the transportation and possession of a gambling device, as proposed in legislative bills numbers S. 3792 and A. 2598, takes effect.