

3475

2009-2010 Regular Sessions

I N S E N A T E

March 19, 2009

Introduced by Sens. MORAHAN, O. JOHNSON, LARKIN, VOLKER -- read twice
and ordered printed, and when printed to be committed to the Committee
on Codes

AN ACT to amend the penal law, in relation to the possession of gambling
devices

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

1 Section 1. Section 225.30 of the penal law is amended by adding a new
2 subdivision d to read as follows:
3 D. TRANSPORTATION AND POSSESSION OF A SLOT MACHINE SHALL NOT BE UNLAW-
4 FUL WHERE SUCH SLOT MACHINE WAS TRANSPORTED INTO THIS STATE IN A SEALED
5 CONTAINER AND POSSESSED FOR THE PURPOSE OF PRODUCT DEVELOPMENT,
6 RESEARCH, OR ADDITIONAL MANUFACTURE OR ASSEMBLY, AND SUCH SLOT MACHINE
7 WILL BE OR HAS BEEN TRANSPORTED IN A SEALED CONTAINER TO A JURISDICTION
8 OUTSIDE OF THIS STATE FOR PURPOSES WHICH ARE LAWFUL IN SUCH OUTSIDE
9 JURISDICTION.
10 S 2. Subdivision 1 of section 225.32 of the penal law, as amended by
11 chapter 346 of the laws of 1998, is amended to read as follows:
12 1. In any prosecution for possession of a gambling device specified in
13 subdivision one of section 225.30 of this [chapter] ARTICLE, it is an
14 affirmative defense that: (a) the slot machine possessed by the defend-
15 ant was neither used nor intended to be used in the operation or
16 promotion of unlawful gambling activity or enterprise and that such slot
17 machine is an antique; for purposes of this section proof that a slot
18 machine was manufactured prior to nineteen hundred forty-one shall be
19 conclusive proof that such a machine is an antique; (b) the slot machine
20 possessed by the defendant was manufactured or assembled by the defend-
21 ant for the sole purpose of transporting such slot machine in a sealed
22 container to a jurisdiction outside this state for purposes which are
23 lawful in such outside jurisdiction; OR (c) the slot machine possessed
24 by the defendant was neither used nor intended to be used in the opera-

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

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1 tion or promotion of unlawful gambling activity or enterprise, is more
2 than thirty years old, and such possession takes place in the defend-
3 ant's home[; or (d) the slot machine was transported into this state in
4 a sealed container for the purpose of product development, research, or
5 additional manufacture or assembly, and such slot machine will be or has
6 been transported in a sealed container to a jurisdiction outside of this
7 state for purposes which are lawful in such outside jurisdiction].
8 S 3. This act shall take effect immediately.