

S T A T E O F N E W Y O R K

3562--A

2009-2010 Regular Sessions

I N S E N A T E

March 24, 2009

Introduced by Sen. C. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to amending the definitions for gambling offenses

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

1 Section 1. Subdivisions 7-a and 8 of section 225.00 of the penal law,
2 subdivision 7-a as added and subdivision 8 as amended by chapter 632 of
3 the laws of 1987, are amended to read as follows:
4 7-a. A "coin operated gambling device" means a gambling device which
5 operates as a result of the insertion of something of value. A device
6 designed, constructed or readily adaptable or convertible for such use
7 is a coin operated gambling device notwithstanding the fact that it may
8 require adjustment, manipulation or repair in order to operate as such.
9 A MACHINE WHICH AWARDS FREE OR EXTENDED PLAY IS NOT A GAMBLING DEVICE
10 MERELY BECAUSE SUCH FREE OR EXTENDED PLAY MAY CONSTITUTE SOMETHING OF
11 VALUE PROVIDED THAT THE OUTCOME DEPENDS UPON THE SKILL OF THE PLAYER AND
12 NOT IN A MATERIAL DEGREE UPON AN ELEMENT OF CHANCE.
13 8. "Slot machine" means a gambling device which, as a result of the
14 insertion of a coin or other object, operates, either completely auto-
15 matically or with the aid of some physical act by the player, in such
16 manner that, depending upon elements of chance, it may eject something
17 of value. A device so constructed, or readily adaptable or convertible
18 to such use, is no less a slot machine because it is not in working
19 order or because some mechanical act of manipulation or repair is
20 required to accomplish its adaptation, conversion or workability. Nor is
21 it any less a slot machine because, apart from its use or adaptability
22 as such, it may also sell or deliver something of value on a basis other

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

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1 than chance. A machine which sells items of merchandise which are of
2 equivalent value, is not a slot machine merely because such items differ
3 from each other in composition, size, shape or color. [A machine which
4 awards free or extended play is not a slot machine merely because such
5 free or extended play may constitute something of value provided that
6 the outcome depends in a material degree upon the skill of the player
7 and not in a material degree upon an element of chance.]
8 S 2. This act shall take effect immediately.