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

3762

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. ZEBROWSKI, LENTOL -- read once and referred 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 225.30 of the penal law is amended by adding a new subdivision d to read as follows:

D. TRANSPORTATION AND POSSESSION OF A SLOT MACHINE SHALL NOT BE UNLAWFUL WHERE SUCH SLOT MACHINE WAS TRANSPORTED INTO THIS STATE IN A SEALED CONTAINER AND POSSESSED FOR THE PURPOSE OF PRODUCT DEVELOPMENT, RESEARCH, OR ADDITIONAL MANUFACTURE OR ASSEMBLY, AND SUCH SLOT MACHINE WILL BE OR HAS BEEN TRANSPORTED IN A SEALED CONTAINER TO A JURISDICTION OUTSIDE OF THIS STATE FOR PURPOSES WHICH ARE LAWFUL IN SUCH OUTSIDE JURISDICTION.

S 2. Subdivision 1 of section 225.32 of the penal law, as amended by chapter 346 of the laws of 1998, is amended to read as follows:

1. In any prosecution for possession of a gambling device specified in subdivision one of section 225.30 of this [chapter] ARTICLE, it is an affirmative defense that: (a) the slot machine possessed by the defendant was neither used nor intended to be used in the operation or promotion of unlawful gambling activity or enterprise and that such slot machine is an antique; for purposes of this section proof that a slot machine was manufactured prior to nineteen hundred forty-one shall be conclusive proof that such a machine is an antique; (b) the slot machine possessed by the defendant was manufactured or assembled by the defendant for the sole purpose of transporting such slot machine in a sealed container to a jurisdiction outside this state for purposes which are lawful in such outside jurisdiction; OR (c) the slot machine possessed by the defendant was neither used nor intended to be used in the operation or promotion of unlawful gambling activity or enterprise, is more

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

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than thirty years old, and such possession takes place in the defendant's home[; or (d) the slot machine was transported into this state in a sealed container for the purpose of product development, research, or additional manufacture or assembly, and such slot machine will be or has been transported in a sealed container to a jurisdiction outside of this state for purposes which are lawful in such outside jurisdiction].

S 3. This act shall take effect immediately.