§ 225.30 Possession of a gambling device.

a. A person is guilty of possession of a gambling device when, with knowledge of the character thereof, he or she manufactures, sells, transports, places or possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody or use of:

1. A slot machine, unless such possession is permitted pursuant to article nine-A of the general municipal law; or

2. Any other gambling device, believing that the same is to be used in the advancement of unlawful gambling activity; or

3. A coin operated gambling device with intent to use such device in the advancement of unlawful gambling activity.

b. Possession of a slot machine shall not be unlawful where such possession and use is pursuant to a gaming compact, duly executed by the governor and an Indian tribe or Nation, under the Indian Gaming Regulatory Act, as codified at 25 U.S.C. §§§§ 2701-2721 and 18 U.S.C §§§§ 1166-1168, where the use of such slot machine or machines is consistent with such gaming compact and where the state receives a negotiated percentage of the net drop (defined as gross money wagered after payout, but before expenses) from any such slot machine or machines.

c. Transportation and possession of a slot machine shall not be unlawful where such transportation and possession is necessary to facilitate the training of persons in the repair and reconditioning of such machines as are used or are to be used for operations in those casinos authorized pursuant to a tribal-state compact as provided for pursuant to section eleven hundred seventy-two of title fifteen of the United States Code in the state of New York.

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.

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 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.

Possession of a gambling device is a class A misdemeanor.