

SECOND REGULAR SESSION

# SENATE BILL NO. 615

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR McKENNA.

Pre-filed December 19, 1997, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S2760.011

## AN ACT

To repeal sections 572.070 and 572.125, RSMo 1994, relating to gambling, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 572.070 and 572.125, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 572.070 and 572.125, to read as follows:

572.070. 1. A person commits the crime of possession of a gambling device if, with knowledge of the character thereof, he 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 **other than a slot machine sold, purchased or otherwise acquired pursuant to section 572.125, RSMo;** or

(2) Any other gambling device, knowing or having reason to believe that it is to be used in the state of Missouri in the advancement of unlawful gambling activity.

2. Possession of a gambling device is a class A misdemeanor.

572.125. 1. It shall be [an affirmative defense to any prosecution under this chapter relating to slot machines, if the defendant shows that the slot machine is an antique slot machine and was not operated for gambling purposes while in the defendant's possession. For the purposes of this section, an antique slot machine is one which is over thirty years old] **lawful for any person to sell or to purchase or otherwise acquire any slot machine for operation at the residence of the owner if such slot machine is not operated for gambling purposes. Such ownership or operation of a slot machine shall not be the basis for**

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**prosecution for any gambling offense under this chapter.**

2. Notwithstanding section 572.120, [whenever the defense provided by subsection 1 of this section is offered,] no slot machine seized from any defendant shall be destroyed or otherwise altered until after a final court determination that such [defense is not applicable. If the defense is applicable, any such slot machine shall be returned pursuant to provisions of law providing for the return of property.] **machine was operated for gambling purposes.**

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