

HOUSE BILL No. 2542

By Representative Williams

9-19

9 AN ACT concerning gambling devices; amending K.S.A. 2005 Supp. 21-
10 4306 and 21-4307 and repealing the existing sections.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 2005 Supp. 21-4306 is hereby amended to read as
14 follows: 21-4306. (a) Dealing in gambling devices is manufacturing, trans-
15 ferring or possessing with intent to transfer any gambling device or sub-
16 assembly or essential part thereof.

17 (b) Proof of possession of any device designed exclusively for gam-
18 bling purposes, which device is not set up for use or which is not in a
19 gambling place, creates a presumption of possession with intent to
20 transfer.

21 (c) Dealing in gambling devices is a severity level 8, nonperson felony.

22 (d) It shall be a defense to a prosecution under this section that the
23 gambling device is an antique slot machine and that the antique slot ma-
24 chine was not operated for gambling purposes while in the owner's or
25 the defendant's possession. A slot machine shall be deemed an antique
26 slot machine if it was manufactured ~~prior to the year 1950~~ *at least 25*
27 *years before commencement of the prosecution.*

28 (e) It shall be a defense to a prosecution under this section that the
29 gambling device or sub-assembly or essential part thereof is manufac-
30 tured, transferred or possessed by a manufacturer registered under the
31 federal gambling devices act of 1962 (15 U.S.C. 1171 *et seq.*) or a trans-
32 porter under contract with such manufacturer with intent to transfer for
33 use:

34 (1) By the Kansas lottery or Kansas lottery retailers as authorized by
35 law and rules and regulations adopted by the Kansas lottery commission;

36 (2) by a licensee of the Kansas racing commission as authorized by
37 law and rules and regulations adopted by the commission;

38 (3) in a state other than the state of Kansas; or

39 (4) tribal gaming.

40 Sec. 2. K.S.A. 2005 Supp. 21-4307 is hereby amended to read as
41 follows: 21-4307. (a) Possession of a gambling device is knowingly pos-
42 sessing or having custody or control, as owner, lessee, agent, employee,
43 bailee, or otherwise, of any gambling device.

- 1 Possession of a gambling device is a class B nonperson misdemeanor.
- 2 (b) It shall be a defense to a prosecution under this section that the
3 gambling device is an antique slot machine and that the antique slot ma-
4 chine was not operated for gambling purposes while in the owner's or
5 the defendant's possession. A slot machine shall be deemed an antique
6 slot machine if it was manufactured ~~prior to the year 1950~~ *at least 25*
7 *years before commencement of the prosecution.*
- 8 (c) It shall be a defense to a prosecution under this section that the
9 gambling device is possessed or under custody or control of a manufac-
10 turer registered under the federal gambling devices act of 1962 (15 U.S.C.
11 1171 *et seq.*) or a transporter under contract with such manufacturer with
12 intent to transfer for use:
- 13 (1) By the Kansas lottery or Kansas lottery retailers as authorized by
14 law and rules and regulations adopted by the Kansas lottery commission;
- 15 (2) by a licensee of the Kansas racing commission as authorized by
16 law and rules and regulations adopted by the commission;
- 17 (3) in a state other than the state of Kansas; or
- 18 (4) in tribal gaming.
- 19 Sec. 3. K.S.A. 2005 Supp. 21-4306 and 21-4307 are hereby repealed.
- 20 Sec. 4. This act shall take effect and be in force from and after its
21 publication in the statute book.