

## SENATE BILL No. 376

By Committee on Federal and State Affairs

1-26

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to gambling devices; changing the age for determining when a slot  
3 machine is an antique for purposes of exempting such device from  
4 criminal gambling statutes; amending K.S.A. 21-6407 and 21-6408 and  
5 repealing the existing sections.

6

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

8 Section 1. K.S.A. 21-6407 is hereby amended to read as follows: 21-  
9 6407. (a) Dealing in gambling devices is manufacturing, distributing or  
10 possessing with intent to distribute any gambling device or sub-assembly  
11 or essential part thereof.

12 (b) Dealing in gambling devices is a severity level 8, nonperson  
13 felony.

14 (c) Proof of possession of any device designed exclusively for  
15 gambling purposes, ~~which~~ that device is not set up for use or ~~which~~ that is  
16 not in a gambling place, creates a presumption of possession with intent to  
17 distribute.

18 (d) It shall be a defense to a prosecution under this section that:

19 (1) The gambling device is an antique slot machine ~~and that—the~~  
20 ~~antique slot machine~~ was not operated for gambling purposes while in the  
21 owner's or the defendant's possession. A slot machine shall be deemed an  
22 antique slot machine if ~~it~~ such machine was manufactured *not less than 50*  
23 *years prior to the year 1950 date the offense was committed*; or

24 (2) the gambling device or sub-assembly or essential part thereof is  
25 manufactured, distributed or possessed by a manufacturer registered under  
26 the federal gambling devices act of 1962 (, 15 U.S.C. § 1171 et seq.), or a  
27 transporter under contract with such manufacturer with intent to distribute  
28 for use:

29 (A) By the Kansas lottery or Kansas lottery retailers as authorized by  
30 law and rules and regulations adopted by the Kansas lottery commission;

31 (B) by a licensee of the Kansas racing commission as authorized by  
32 law and rules and regulations adopted by the commission;

33 (C) in a state other than the state of Kansas; or

34 (D) in tribal gaming.

35 Sec. 2. K.S.A. 21-6408 is hereby amended to read as follows: 21-  
36 6408. (a) It shall be unlawful for any person to possess a gambling device.

1       (b) Violation of this section is a class B nonperson misdemeanor.

2       (c) It shall be a defense to a prosecution under this section that:

3        (1) The gambling device is an antique slot machine ~~and that the~~  
4 ~~antique slot machine~~ was not operated for gambling purposes while in the  
5 owner's or the defendant's possession. A slot machine shall be deemed an  
6 antique slot machine if ~~it~~ *such machine* was manufactured *not less than 50*  
7 *years prior to the year 1950 date the offense was committed*; or

8        (2) the gambling device is possessed or under custody or control of a  
9 manufacturer registered under the federal gambling devices act of 1962 (i.e.,  
10 15 U.S.C. § 1171 et seq.), or a transporter under contract with such  
11 manufacturer with intent to distribute for use:

12        (A) By the Kansas lottery or Kansas lottery retailers as authorized by  
13 law and rules and regulations adopted by the Kansas lottery commission;

14        (B) by a licensee of the Kansas racing commission as authorized by  
15 law and rules and regulations adopted by the commission;

16        (C) in a state other than the state of Kansas; or

17        (D) in tribal gaming.

18       Sec. 3. K.S.A. 21-6407 and 21-6408 are hereby repealed.

19       Sec. 4. This act shall take effect and be in force from and after its  
20 publication in the statute book.