

## SENATE BILL No. 376

By Committee on Federal and State Affairs

1-26

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

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

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

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

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

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

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

(2) the gambling device or sub-assembly or essential part thereof is manufactured, distributed or possessed by a manufacturer registered under the federal gambling devices act of 1962~~4~~, 15 U.S.C. § 1171 et seq.), or a transporter under contract with such manufacturer with intent to distribute for use:

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

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

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

(D) in tribal gaming.

Sec. 2. K.S.A. 21-6408 is hereby amended to read as follows: 21-6408. (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 ~~4~~,  
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.