

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2251 Session of  
1995

INTRODUCED BY BATTISTO, CLYMER, SCHULER, M. COHEN, GRUPPO,  
BIRMELIN, CURRY AND MERRY, NOVEMBER 27, 1995

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 27, 1995

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further regulating gambling devices.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Section 5513 of Title 18 of the Pennsylvania  
6 Consolidated Statutes is amended to read:

7 § 5513. Gambling devices, gambling, etc.

8 (a) Offense defined.--A person is guilty of a misdemeanor of  
9 the first degree if he:

10 (1) intentionally or knowingly makes, assembles, sets  
11 up, maintains, sells, lends, leases, gives away, or offers  
12 for sale, loan, lease or gift, any punch board, drawing card,  
13 slot machine [or any device to be used for gambling  
14 purposes], electronic poker, electronic blackjack or similar  
15 machine or any device designed and manufactured primarily for  
16 use in connection with gambling, except playing cards;

17 (2) allows persons to collect and assemble for the

1 purpose of unlawful gambling at any place under his control;

2 (3) solicits or invites any person to visit any unlawful  
3 gambling place for the purpose of gambling; or

4 (4) being the owner, tenant, lessee or occupant of any  
5 premises, knowingly permits or suffers the same, or any part  
6 thereof, to be used for the purpose of unlawful gambling.

7 (b) Confiscation of gambling devices.--Any gambling device  
8 possessed or used in violation of the provisions of subsection  
9 (a) of this section shall be seized and forfeited to the  
10 Commonwealth. All provisions of law relating to the seizure,  
11 summary and judicial forfeiture, and condemnation of  
12 intoxicating liquor shall apply to seizures and forfeitures  
13 under the provisions of this section.

14 (c) Antique slot machines.--

15 (1) A slot machine shall be established as an antique  
16 slot machine if the defendant shows by a preponderance of the  
17 evidence that it was manufactured prior to 1941 and that it  
18 was not used or attempted to be used for any unlawful  
19 purposes. Notwithstanding subsection (b), no antique slot  
20 machine seized from any defendant shall be destroyed or  
21 otherwise altered until the defendant is given an opportunity  
22 to establish that the slot machine is an antique slot  
23 machine. After a final court determination that the slot  
24 machine is an antique slot machine, the slot machine shall be  
25 returned pursuant to the provisions of law providing for the  
26 return of property; otherwise, the slot machine shall be  
27 destroyed.

28 (2) It is the purpose of this subsection to protect the  
29 collection and restoration of antique slot machines not  
30 presently utilized for gambling purposes.

1     (d) Gambling machines or devices.--

2             (1) If a machine or device listed in subsection (a) has  
3     the following features or attributes, it shall be  
4     conclusively presumed to be designed and manufactured  
5     primarily for use in connection with gambling:

6             (i) Consideration for its use.

7             (ii) A result determined more by chance than by  
8     skill.

9             (iii) A short time of play, not extensively extended  
10    by skill.

11            (iv) Presence of a "knock-down" button or meter, the  
12    provision in wiring, circuitry or programming to  
13    accommodate the addition of such features or another  
14    means of producing the same effect as a "knock-down"  
15    button or meter.

16            (v) Potential for a reward or a number of free  
17    games.

18            (2) Failure of a machine or device listed in subsection  
19    (a) to have one or more of the features or attributes  
20    enumerated in paragraph (1) shall not preclude a  
21    determination, by virtue of the remaining or other features  
22    or attributes, that the machine or device was designed and  
23    manufactured primarily for use in connection with gambling.

24    (e) Actual payoffs or actual gambling activity not  
25    required.--Evidence of actual payoffs or actual gambling  
26    activity shall not be required for convictions or forfeitures  
27    under this section.

28    Section 2. This act shall take effect in 60 days.