

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 976

Session of  
1977

INTRODUCED BY MESSINGER, GURZENDA, NOLAN AND MELLOW,  
JUNE 21, 1977

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 20, 1978

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes relating to antique slot machines.

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

5 Section 1. Section 5513 of Title 18 act of November 25, 1970  
6 (P.L.707, No.230), known as the Pennsylvania Consolidated  
7 Statutes, is amended by adding a subsection to read:

8 § 5513. Gambling devices, gambling, etc.

9 \* \* \*

10 ~~(c) Antique slot machines. It shall be a defense to any~~ <—  
11 ~~prosecution under this section relating to slot machines, if the~~  
12 ~~defendant shows that the slot machine is an antique slot machine~~  
13 ~~and was not operated for gambling purposes while in the~~  
14 ~~defendant's possession. For the purposes of this section, a slot~~  
15 ~~machine shall be conclusively presumed an antique slot machine~~  
16 ~~if it was manufactured prior to 1941. Notwithstanding subsection~~  
17 ~~(b), whenever the defense provided by this subsection 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. It is the purpose of this subsection to protect the  
collection and restoration of antique slot machines not  
presently utilized for gambling purposes.~~

(C) (1) ANTIQUE SLOT MACHINES.--A SLOT MACHINE SHALL BE  
ESTABLISHED AS AN ANTIQUE SLOT MACHINE IF THE DEFENDANT SHOWS  
BY A PREPONDERANCE OF THE EVIDENCE THAT IT WAS MANUFACTURED  
PRIOR TO 1941 AND THAT IT WAS NOT USED OR ATTEMPTED TO BE  
USED FOR ANY UNLAWFUL PURPOSES. NOTWITHSTANDING SUBSECTION  
(B), NO ANTIQUE SLOT MACHINE SEIZED FROM ANY DEFENDANT SHALL  
BE DESTROYED OR OTHERWISE ALTERED UNTIL THE DEFENDANT IS  
GIVEN AN OPPORTUNITY TO ESTABLISH THAT THE SLOT MACHINE IS AN  
ANTIQUUE SLOT MACHINE. AFTER A FINAL COURT DETERMINATION THAT  
THE SLOT MACHINE IS AN ANTIQUE SLOT MACHINE, THE SLOT MACHINE  
SHALL BE RETURNED PURSUANT TO THE PROVISIONS OF LAW PROVIDING  
FOR THE RETURN OF PROPERTY; OTHERWISE, THE SLOT MACHINE SHALL  
BE DESTROYED.

(2) IT IS THE PURPOSE OF THIS SUBSECTION TO PROTECT THE  
COLLECTION AND RESTORATION OF ANTIQUE SLOT MACHINES NOT  
PRESENTLY UTILIZED FOR GAMBLING PURPOSES.

Section 2. This act shall take effect in 30 days.