
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 264 Session of
1997

INTRODUCED BY GERLACH, JANUARY 29, 1997

REFERRED TO STATE GOVERNMENT, JANUARY 29, 1997

AN ACT

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

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

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

8 § 5513. Gambling devices, gambling, etc.

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

11 (1) intentionally or knowingly makes, assembles, sets
12 up, maintains, sells, lends, leases, gives away, or offers
13 for sale, loan, lease or gift, any punch board, drawing card,
14 slot machine or any device to be used for gambling purposes,
15 except playing cards;

16 (2) allows persons to collect and assemble for the
17 purpose of unlawful gambling at any place under his control;

18 (3) solicits or invites any person to visit any unlawful

1 gambling place for the purpose of gambling; [or]

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

5 or

6 (5) establishes or operates a nonprimary location as
7 defined in section 102 of the act of December 17, 1981
8 (P.L.435, No.135), known as the Race Horse Industry Reform
9 Act, in any municipality unless there has been an affirmative
10 vote in a referendum in that municipality pursuant to
11 subsection (g). For purposes of this section, the term
12 "municipality" shall be a city, borough, incorporated town or
13 township or a home rule municipality formerly classified as a
14 city, borough, incorporated town or township.

15 (b) Confiscation of gambling devices.--Any gambling device
16 possessed or used in violation of the provisions of subsection
17 (a) of this section shall be seized and forfeited to the
18 Commonwealth. All provisions of law relating to the seizure,
19 summary and judicial forfeiture, and condemnation of
20 intoxicating liquor shall apply to seizures and forfeitures
21 under the provisions of this section.

22 (c) Antique slot machines.--

23 (1) A slot machine shall be established as an antique
24 slot machine if the defendant shows by a preponderance of the
25 evidence that it was manufactured prior to 1941 and that it
26 was not used or attempted to be used for any unlawful
27 purposes. Notwithstanding subsection (b), no antique slot
28 machine seized from any defendant shall be destroyed or
29 otherwise altered until the defendant is given an opportunity
30 to establish that the slot machine is an antique slot

1 machine. After a final court determination that the slot
2 machine is an antique slot machine, the slot machine shall be
3 returned pursuant to the provisions of law providing for the
4 return of property; otherwise, the slot machine shall be
5 destroyed.

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

9 (d) Shipbuilding business.--Notwithstanding any other
10 provisions of this section, a person may construct, deliver,
11 convert or repair a vessel that is equipped with gambling
12 devices if all of the following conditions are satisfied:

13 (1) The work performed on the vessel is ordered by a
14 customer who uses or possesses the vessel outside of this
15 Commonwealth in a locality where the use or possession of the
16 gambling devices on the vessel is lawful.

17 (2) The work performed on the vessel that is equipped
18 with gambling devices is performed at a shipbuilding or
19 repair yard located within a port facility under the
20 jurisdiction of any port authority organized under the act of
21 December 6, 1972 (P.L.1392, No.298), known as the Third Class
22 City Port Authority Act.

23 (3) The person provides the Office of Attorney General,
24 prior to the importation of the gambling devices into this
25 Commonwealth, records that account for the gambling devices,
26 including the identification number affixed to each gambling
27 device by the manufacturer, and that identify the location
28 where the gambling devices will be stored prior to the
29 installation of the gambling devices on the vessel.

30 (4) The person stores the gambling devices at a secured

1 location and permits any person authorized to enforce the
2 gambling laws to inspect the location where the gambling
3 devices are stored and records relating to the storage of the
4 gambling devices.

5 (5) If the person removes used gambling devices from a
6 vessel, the person shall provide the Office of Attorney
7 General of Pennsylvania with an inventory of the used
8 gambling devices prior to their removal from the vessel. The
9 inventory shall include the identification number affixed to
10 each gambling device by the manufacturer.

11 (6) The person submits documentation to the Office of
12 Attorney General of Pennsylvania no later than 30 days after
13 the date of delivery that the vessel equipped with gambling
14 devices has been delivered to the customer who ordered the
15 work performed on the vessel.

16 (7) The person does not sell a gambling device to any
17 other person except to a customer who shall use or possess
18 the gambling device outside of this Commonwealth in a
19 locality where the use or possession of the gambling device
20 is lawful. If a person sells a gambling device to such a
21 customer, the person shall submit documentation to the Office
22 of Attorney General of Pennsylvania no later than 30 days
23 after the date of delivery that the gambling device has been
24 delivered to the customer.

25 (d.1) Nonprimary racetrack location referendum.--No person,
26 including any licensed corporation, may establish a nonprimary
27 location as defined in section 102 of the Race Horse Industry
28 Reform Act, in any municipality that has not approved the
29 establishment of the nonprimary location by an affirmative vote
30 in a referendum at a primary, municipal or general election, but

1 not more often than once in four years, in accordance with the
2 following procedures:

3 (1) Upon receipt of a nonprimary location statement, the
4 appropriate commission shall forward a copy of the statement
5 to the Secretary of the Commonwealth, who shall certify the
6 form of the referendum question under paragraph (2) to the
7 appropriate county board of elections.

8 (2) The appropriate county board of elections shall
9 cause a question to be placed on the ballot or on the voting
10 machine board and submitted to the electors of the
11 municipality which is the proposed site of the nonprimary
12 location at the next ensuing primary, municipal or general
13 election which is at least 60 days after the secretary's
14 certification of the question to the county board of
15 elections. The question shall be in substantially the
16 following form:

17 Do you favor the establishment of an off-track
18 betting facility (nonprimary location) in the
19 _____ of _____ ?

20 (3) If a majority of electors voting on the question
21 vote "yes," then the appropriate commission may approve the
22 establishment of a nonprimary location in the municipality,
23 but if a majority of the electors voting on the question vote
24 "no," then the appropriate commission shall not approve the
25 establishment of a nonprimary location in the municipality.

26 (4) This paragraph shall apply to the establishment of
27 any nonprimary location, which is the subject of a nonprimary
28 location statement submitted on or after January 31, 1996,
29 unless the person establishes that the nonprimary location
30 has received Phase (I) and (II) approval from the State Horse

1 Racing Commission and the State Harness Racing Commission on
2 or before November 20, 1996.

3 (e) Penalty.--Any person who fails to provide records as
4 provided in subsection (d) commits a summary offense.

5 (f) Definitions.--As used in this section, the term
6 "gambling place" does not include a vessel that is in the
7 process of construction, delivery, conversion or repair by a
8 shipbuilding business that complies with subsection (d).

9 Section 2. The act of December 17, 1981 (P.L.435, No.135),
10 known as the Race Horse Industry Reform Act, or any portions
11 thereof shall be repealed to the extent that they are
12 inconsistent with 18 Pa.C.S. § 5513.

13 Section 3. This act shall take effect in 60 days.