

House Bill 2439

Sponsored by Representative MAURER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies crime of possession of gambling device.

A BILL FOR AN ACT

Relating to gambling devices; creating new provisions; and amending ORS 167.147.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 167.147 is amended to read:

167.147. (1) A person commits the crime of possession of a gambling device if, with knowledge of the character thereof, the person manufactures, sells, transports, places or possesses, or conducts or negotiates a transaction affecting or designed to affect ownership, custody or use of:

(a) A slot machine; or

(b) Any other gambling device, believing that the device is to be used in promoting unlawful gambling activity.

(2) Possession of a gambling device is a Class A misdemeanor.

(3) It is a defense to a charge of [*possession of a gambling device*] **violating subsection (1) of this section** if the slot machine or gambling device that caused the charge to be brought was manufactured:

(a) Prior to 1900 and is not operated for purposes of unlawful gambling; or

[(b) *More than 25 years before the date on which the charge was brought and;*]

[(A) *Is located in a private residence;*]

[(B)] **(b)(A) Prior to 1970 and** is not operated for the purposes of unlawful gambling; and

[(C)] **(B)** Has permanently affixed to it by the manufacturer, the manufacturer's name and either the date of manufacture or the serial number.

SECTION 2. The amendments to ORS 167.147 by section 1 of this 2009 Act apply to conduct occurring on or after the effective date of this 2009 Act.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.