

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	8 - 0 - 1
Yeas:	Barton, Garrett, Hicks, Krieger, Olson, Tomei, Williamson, Barker
Nays:	0
Exc.:	Cameron
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	3/5, 3/18

WHAT THE MEASURE DOES. Requires law enforcement to prove that a machine they have seized as a grey machine is a grey machine. Allows law enforcement to destroy a “grey machine if a court has entered a forfeiture judgment. Applies to machines seized after the effective date of this Act. Act is effective upon passage.

ISSUES DISCUSSED:

- Burden on state in a forfeiture procedure
- Differences between amusement device and grey machine are not obvious
- Owner must file motion for return of device

EFFECT OF COMMITTEE AMENDMENT: Places burden of proof on law enforcement.

BACKGROUND: The term, “grey machine” means any electronic device that: (1) Awards credits or contains a circuit, meter or switch capable of recording credits earned by a person playing the device; or (2) Plays a casino game, bingo or keno. A “casino game” is any of the traditional gambling-based games commonly known as Dice, Faro, Monte, Roulette, Fan-Tan, Twenty-one, Blackjack, Texas Hold’Em, Seven-and-a-Half, Big Injun, Klondike, Craps, Poker, Chuck-A-Luck, Chinese Chuck-A-Luck (dai shu), Wheel of Fortune, Baccarat, Chemin de fer, Pai Gow, Beat the Banker, Panguingui, Acey-Deucey, or any other gambling-based game similar in form. Amusement devices, other than grey machines, that do not return to the operator or player anything but free additional games are not gambling devices. A “gambling device” means any device that is used in the playing phase of unlawful gambling. It is unlawful to possess a “grey machine” or a “gambling device.” However, it is lawful to possess an “amusement device.”

The Oregon State Police (OSP) has seized devices they contend are “grey machines.” District attorneys have refused to prosecute the owners of these devices. The OSP has refused to return these devices, contending that they are “grey machines” and thus contraband. However, no court has ruled the devices to be so. House Bill 2603 A allows the owner of a seized device to file a motion for its return. This action would trigger a requirement on law enforcement to prove the machine was not an “amusement device” but a “grey machine.” If law enforcement could not meet this burden, the owner would get his or her machine back.