

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass the A-Engrossed Measure
Vote:	5 - 0 - 0
Yeas:	Close, Dingfelder, Kruse, Roblan, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	5/1

WHAT THE MEASURE DOES: Requires law enforcement to prove that a machine they have seized as a gray machine is a gray machine and not an amusement device. Allows law enforcement to destroy a “gray 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:

- Consistent with Oregon’s forfeiture laws
- “Amusement device” or “gray machine”

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The term, “gray 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 gray 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 “gray machine” or a “gambling device.”

It is lawful to possess an “amusement device.” The Oregon State Police (OSP) has seized devices they contend are “gray machines.” The owners of the machines state that these machines are “amusement devices.” District attorneys have refused to prosecute the owners of these devices. The OSP has refused to return these devices, contending that they are “gray 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 “gray machine.” If law enforcement could not meet this burden, the owner would get his or her machine back. This is how property the police seize is treated under our forfeiture laws.