

Enrolled
House Bill 2603

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

CHAPTER

AN ACT

Relating to gambling; creating new provisions; amending ORS 167.164; and declaring an emergency.

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

SECTION 1. ORS 167.164 is amended to read:

167.164. (1) *[On and after December 1, 1991,]* A person commits the crime of possession of a gray machine if the person manufactures, sells, leases, transports, places, possesses or services a gray machine or conducts or negotiates a transaction affecting or designed to affect the ownership, custody or use of a gray machine.

(2) Possession of a gray machine is a Class C felony.

(3) If any device is seized by a law enforcement agency based on a contention that the device is a gray machine, and a motion for return or restoration of the device is filed under ORS 133.633, the burden of proof is on the state to establish that the device is in fact a gray machine.

[(3)] **(4) Violation of, solicitation to violate, attempt to violate or conspiracy to violate subsection (1) of this section constitutes prohibited conduct for purposes of ORS chapter 131A, and shall give rise to civil in rem forfeiture as provided in ORS chapter 131A. A judgment providing for forfeiture may direct that the machine be destroyed. A device that is claimed to be a gray machine may be destroyed or otherwise disposed of only if a judgment of forfeiture has been entered under ORS 131.550 to 131.600 or ORS chapter 131A.**

[(4)] **(5) It is a defense to a charge of possession of a gray machine if the machine that caused the charge to be brought was manufactured prior to 1958 and was not operated for purposes of unlawful gambling.**

SECTION 2. The amendments to ORS 167.164 by section 1 of this 2013 Act apply only to seizures of devices claimed to be gray machines on or after the effective date of this 2013 Act.

SECTION 3. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by House March 26, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 7, 2013

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2013

Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State