

FIRST REGULAR SESSION

HOUSE BILL NO. 779

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PARKINSON.

1929L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 572.070 and 572.125, RSMo, and to enact in lieu thereof two new sections relating to the crime of possession of a gambling device, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 572.070 and 572.125, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 572.070 and 572.125, to read as follows:

572.070. 1. A person commits the crime of possession of a gambling device if, with knowledge of the character thereof, [he] **such person** manufactures, sells, transports, places or possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody or use of:

(1) A slot machine **other than a slot machine sold, purchased, or otherwise acquired under section 572.125**; or

(2) Any other gambling device, knowing or having reason to believe that it is to be used in the state of Missouri in the advancement of unlawful gambling activity.

2. Possession of a gambling device is a class A misdemeanor.

572.125. 1. It shall be [an affirmative defense to any prosecution under this chapter relating to slot machines, if the defendant shows that the slot machine is an antique slot machine and was not operated for gambling purposes while in the defendant's possession. For the purposes of this section, an antique slot machine is one which is over thirty years old] **lawful for any person to sell or purchase or otherwise acquire any slot machine for operation at the residence of the owner, if such slot machine is not operated for gambling purposes. Such ownership or operation of a slot machine shall not be the basis for prosecution for any gambling offense under this chapter.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 2. Notwithstanding section 572.120, [whenever the defense provided by subsection 1 of
10 this section is offered,] no slot machine seized from any defendant shall be destroyed or
11 otherwise altered until after a final court determination that such [defense is not applicable. If
12 the defense is applicable, any such slot machine shall be returned pursuant to provisions of law
13 providing for the return of property] **machine was operated for gambling purposes.**

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