

AMENDED IN SENATE AUGUST 22, 2002

AMENDED IN SENATE MAY 14, 2002

AMENDED IN SENATE JULY 11, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 651

Introduced by Assembly Member Horton

February 22, 2001

An act to amend Section 330b of the Penal Code, relating to gaming, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 651, as amended, Horton. Slot machines or devices.

Existing law prohibits the possession or sale of slot machines or devices, except in limited instances.

This bill would make that prohibition inapplicable to a person or entity that manufactures, sells, rents, leases, assembles, tests, repairs, transports by vessel or conveyance, or stores a slot machine or device if the purchaser, owner, or operator of the slot machine or device is a tribe authorized by compact pursuant to the constitution to own or operate the slot machine or device.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~ ^{2/3}. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 330b of the Penal Code is amended to~~
2 *SECTION 1. Section 330b of the Penal Code is amended to*
3 *read:*

4 ~~330b. Possession or keeping of slot machines or devices.~~

5 ~~(1) (a) It is unlawful for any person to manufacture, repair,~~
6 ~~own, store, possess, sell, rent, lease, let on shares, lend or give~~
7 ~~away, transport, or expose for sale or lease, or to offer to repair,~~
8 ~~sell, rent, lease, let on shares, lend or give away, or to permit the~~
9 ~~operation of, or for any person to permit to be placed, maintained~~
10 ~~or kept in any place, room, space or building owned, leased or~~
11 ~~occupied by him or her or under his or her management or control,~~
12 ~~any slot machine or device as hereinafter defined, or to make or to~~
13 ~~permit to be made with any person any agreement with reference~~
14 ~~to any slot machine or device, as hereinafter defined, pursuant to~~
15 ~~which the user thereof, as a result of any element of hazard or~~
16 ~~chance or other outcome unpredictable by him or her, may become~~
17 ~~entitled to receive any money, credit, allowance, or thing of value~~
18 ~~or additional chance or right to use such the slot machine or device,~~
19 ~~or to receive any check, slug, token or memorandum entitling the~~
20 ~~holder to receive any money, credit, allowance or thing of value;~~
21 ~~provided, however, that this. This limitation does not apply in~~
22 ~~either of the following instances:~~

23 ~~(1) This section, insofar as it relates to owning, storing,~~
24 ~~possessing, or transporting any slot machine or device as~~
25 ~~hereinafter defined, shall does not apply to any slot machine or~~
26 ~~device as hereinafter defined, located upon or being transported by~~
27 ~~any vessel regularly operated and engaged in interstate or foreign~~
28 ~~commerce, so long as such if the slot machine or device is located~~
29 ~~in a locked compartment of the vessel, is not accessible for use and~~
30 ~~is not used or operated within the territorial jurisdiction of this~~
31 ~~State state.~~

32 ~~(2) Any To a person or entity that manufactures, sells, rents,~~
33 ~~leases, assembles, tests, repairs, transports by vessel or~~
34 ~~conveyance, or stores a slot machine or device if the purchaser,~~
35 ~~owner, or operator of the slot machine or device is a tribe~~
36 ~~authorized by a compact pursuant to subdivision (f) of Section 19~~
37 ~~of Article IV of the Constitution to own or operate those slot~~
38 ~~machines or devices. This paragraph does not alter any authority~~



1 of the California Gambling Control Commission under the
2 Gambling Control Act (Chapter 5 (commencing with Section
3 19800) of Division 8 of the Business and Professions Code) or
4 under any tribal state compact.

5 (b) “Slot machine or device” means any machine, apparatus,
6 or device ~~is a slot machine or device within the provisions of this~~
7 ~~section if it is one~~ that is adapted, or may readily be converted into
8 one that is adapted, for use in such a way that, as a result of the
9 insertion of any piece of money or coin or other object, or by any
10 other means, ~~such~~ the machine or device is caused to operate or
11 may be operated, and by reason of any element of hazard or chance
12 or of other outcome of ~~such~~ that operation unpredictable by him
13 or her, the user may receive or become entitled to receive any piece
14 of money, credit, allowance or thing of value or additional chance
15 or right to use ~~such~~ the slot machine or device, or any check, slug,
16 token or memorandum, whether of value or otherwise, which may
17 be exchanged for any money, credit, allowance or thing of value,
18 or which may be given in trade, irrespective of whether it may,
19 apart from any element of hazard or chance or unpredictable
20 outcome of ~~such~~ the operation, also sell, deliver or present some
21 merchandise, indication of weight, entertainment or other thing of
22 value.

23 ~~(3)~~

24 (c) Every person who violates this section is guilty of a
25 misdemeanor.

26 ~~(4) It is expressly provided that with respect to the provisions~~
27 ~~of Section 330b only of this code;~~

28 (d) ~~This section does not apply to any pin ball, and or other~~
29 ~~amusement machines machine or devices which are device that is~~
30 ~~predominantly games a game of skill, whether affording the~~
31 ~~opportunity of additional chances or free plays or not, are not~~
32 ~~intended to be and are not included within the term slot machine~~
33 ~~or device as defined in said Section 330b of this code.~~

34 SEC. 2. *This act is an urgency statute necessary for the*
35 *immediate preservation of the public peace, health, or safety*
36 *within the meaning of Article IV of the Constitution and shall go*
37 *into immediate effect. The facts constituting the necessity are:*

38 *In order to make necessary changes to the laws regulating*
39 *gaming, it necessary that this act take effect immediately.*

40 read:



1 330b. — (a) It is unlawful for any person to manufacture, repair,
2 own, store, possess, sell, rent, lease, let on shares, lend or give
3 away, transport, or expose for sale or lease, or to offer to repair,
4 sell, rent, lease, let on shares, lend or give away, or to permit the
5 operation of, or for any person to permit to be placed, maintained
6 or kept in any place, room, space or building owned, leased or
7 occupied by him or her or under his or her management or control,
8 any slot machine or device, or to make or to permit to be made with
9 any person any agreement with reference to any slot machine or
10 device, pursuant to which the user, as a result of any element of
11 hazard or chance or other outcome unpredictable by him or her,
12 may become entitled to receive any money, credit, allowance, or
13 thing of value or additional chance or right to use the slot machine
14 or device, or to receive any check, slug, token or memorandum
15 entitling the holder to receive any money, credit, allowance or
16 thing of value. This limitation does not apply in either of the
17 following instances:

18 (1) This section, insofar as it relates to owning, storing,
19 possessing, or transporting any slot machine or device does not
20 apply to any slot machine or device located upon or being
21 transported by any vessel regularly operated and engaged in
22 interstate or foreign commerce, if the slot machine or device is
23 located in a locked compartment of the vessel, is not accessible for
24 use and is not used or operated within the territorial jurisdiction of
25 this state.

26 (2) A person or entity may manufacture, sell, rent, lease,
27 assemble, test, repair, transport by vessel or conveyance, or store
28 a slot machine or device if the purchaser, owner, or operator of the
29 slot machine or device is a tribe authorized by a compact pursuant
30 to subdivision (f) of Section 19 of Article IV of the Constitution
31 to own or operate those slot machines or devices.

32 (b) “Slot machine or device” means any machine, apparatus,
33 or device that is adapted, or may readily be converted into one that
34 is adapted, for use in such a way that, as a result of the insertion
35 of any piece of money or coin or other object, or by any other
36 means, the machine or device is caused to operate or may be
37 operated, and by reason of any element of hazard or chance or of
38 other outcome of that operation unpredictable by him or her, the
39 user may receive or become entitled to receive any piece of money,
40 credit, allowance or thing of value or additional chance or right to



1 ~~use the slot machine or device, or any check, slug, token or~~
2 ~~memorandum, whether of value or otherwise, which may be~~
3 ~~exchanged for any money, credit, allowance or thing of value, or~~
4 ~~which may be given in trade, irrespective of whether it may, apart~~
5 ~~from any element of hazard or chance or unpredictable outcome~~
6 ~~of the operation, also sell, deliver or present some merchandise,~~
7 ~~indication of weight, entertainment or other thing of value.~~

8 ~~(c) Every person who violates this section is guilty of a~~
9 ~~misdemeanor.~~

10 ~~(d) This section does not apply to any pin ball or other~~
11 ~~amusement machine or device that is predominantly a game of~~
12 ~~skill, whether affording the opportunity of additional chances or~~
13 ~~free plays or not.~~

