



# HOUSE BILL No. 5249

February 1, 2000, Introduced by Reps. Thomas, Hale, Scott, DeHart, Minore, Dennis and Daniels and referred to the Committee on Gaming and Casino Oversight.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending sections 302 and 303 (MCL 750.302 and 750.303),  
section 302 as amended by 1989 PA 85 and section 303 as amended  
by 1996 PA 129.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 302. (1) ~~Keeping and occupying building for gaming,~~  
2 ~~etc.~~ Except as provided in subsection (2), any person, or  
3 ~~his~~ THE PERSON'S agent or employee who ~~shall,~~ directly or  
4 indirectly ~~, keep or occupy or assist~~ KEEPS OR OCCUPIES OR  
5 ASSISTS in keeping or occupying ~~any~~ A common gambling house or  
6 ~~any~~ A building or place where gaming is permitted ~~or suffered~~  
7 or who ~~shall suffer or permit~~ PERMITS AN APPARATUS USED FOR  
8 GAMING OR GAMBLING on any premises owned, occupied, or controlled  
9 by him ~~any apparatus used for gaming or gambling~~ OR HER or who

1 ~~shall use~~ USES such apparatus for gaming or gambling in any  
2 place within the state of Michigan, ~~shall be~~ IS guilty of a  
3 misdemeanor, punishable by imprisonment ~~in the county jail~~ FOR  
4 not more than 1 year or by a fine of not more than \$500.00.

5 (2) This section does not prohibit the FOLLOWING:

6 (A) THE manufacture of gaming or gambling apparatus or the  
7 possession of gaming or gambling apparatus by the manufacturer OR  
8 ITS SUBSIDIARY of the apparatus solely for sale outside of the  
9 state, or for sale to a gambling establishment OR, PURSUANT TO  
10 SUBDIVISION (B), AN INSTITUTION OF HIGHER EDUCATION operating  
11 within this state in compliance with the laws of this state, if  
12 applicable, and in compliance with the laws of the United States,  
13 ~~provided~~ IF the manufacturer meets or exceeds federal govern-  
14 ment requirements in regard to manufacture, storage, and  
15 transportation.

16 (B) THE POSSESSION OR USE OF GAMING EQUIPMENT AND SUPPLIES  
17 BY AN INSTITUTION OF HIGHER EDUCATION FOR EDUCATIONAL PURPOSES.

18 (3) AS USED IN THIS SECTION, "EDUCATIONAL PURPOSES" DOES NOT  
19 INCLUDE A WAGER FOR MONEY, CREDIT, OR ANY OTHER REPRESENTATIVE OF  
20 VALUE.

21 (4) PURSUANT TO SECTION 2 OF CHAPTER 1194, 64 STAT. 1134, 15  
22 U.S.C. 1172, APPROVED JANUARY 2, 1951, THE STATE OF MICHIGAN,  
23 ACTING BY AND THROUGH DULY ELECTED AND QUALIFIED MEMBERS OF THE  
24 LEGISLATURE, DOES DECLARE AND PROCLAIM THAT THE STATE IS EXEMPT  
25 FROM CHAPTER 1194, 64 STAT. 1134, 15 U.S.C. 1171 TO 1178.

26 (5) ALL SHIPMENTS OF GAMBLING DEVICES, INCLUDING SLOT  
27 MACHINES, TO INSTITUTIONS OF HIGHER EDUCATION, THE REGISTERING,

1 RECORDING, AND LABELING OF WHICH HAVE BEEN COMPLETED BY THE  
2 MANUFACTURER OR DEALER THEREOF IN ACCORDANCE WITH CHAPTER 1194,  
3 64 STAT. 1134, 15 U.S.C. 1171 TO 1178, ARE LEGAL SHIPMENTS OF  
4 GAMBLING DEVICES INTO THE STATE OF MICHIGAN.

5       Sec. 303. (1) Except as otherwise provided in this section,  
6 a person who for hire, gain, or reward, keeps or maintains a  
7 gaming room, gaming table, game of skill or chance, or game  
8 partly of skill and partly of chance, used for gaming, or who  
9 permits a gaming room, or gaming table, or game to be kept, main-  
10 tained, or played on premises occupied or controlled by the  
11 person, is guilty of a misdemeanor, punishable by imprisonment  
12 for not more than 2 years, or a fine of not more than \$1,000.00.  
13 A person who aids, assists, or abets in the keeping or maintain-  
14 ing of a gaming room, gaming table, or game, is guilty of a mis-  
15 demeanor, punishable by imprisonment for not more than 2 years,  
16 or a fine of not more than \$1,000.00.

17       (2) Subsection (1) does not apply to a mechanical amusement  
18 device which may, through the application of an element of skill,  
19 reward the player with the right to replay the mechanical amuse-  
20 ment device at no additional cost if the mechanical amusement  
21 device is not allowed to accumulate more than 15 replays at 1  
22 time; the mechanical amusement device is designed so that accumu-  
23 lated free replays may only be discharged by reactivating the  
24 device for 1 additional play for each accumulated free replay;  
25 and the mechanical amusement device makes no permanent record,  
26 directly or indirectly, of the free replays awarded.

1       (3) Subsection (1) does not apply to a slot machine if the  
2 slot machine is 25 years old or older and is not used for  
3 gambling purposes. As used in this section, "slot machine" means  
4 a mechanical device, an essential part of which is a drum or reel  
5 which bears an insignia and which when operated may deliver, as a  
6 result of the application of an element of chance, a token or  
7 money or property, or by operation of which a person may become  
8 entitled to receive, as a result of the application of an element  
9 of chance, a token or money or property.

10       (4) A slot machine ~~which~~ THAT is being used for a gambling  
11 purpose in violation of subsection (3) shall be confiscated and  
12 turned over to the director of the department of state police for  
13 auction.

14       (5) Subsection (1) does not apply to a crane game. As used  
15 in this section, "crane game" means an amusement machine acti-  
16 vated by the insertion of a coin by which the player uses 1 or  
17 more buttons, joysticks, or similar means of control, or a combi-  
18 nation of those means of control, to position a mechanical or  
19 electromechanical claw, or other retrieval device, over a prize,  
20 toy, novelty, or an edible item having a wholesale value of not  
21 more than \$3.75, and thereby attempts to retrieve the prize, toy,  
22 novelty, or edible item. Every prize, toy, or edible item must  
23 be retrievable by the claw. A slot machine is not considered a  
24 crane game.

25       (6) A person who knowingly alters a crane game that is  
26 available for play so that the crane game is not in compliance  
27 with the elements of the definition contained in subsection (5)

1 is guilty of a felony, punishable by imprisonment for not more  
2 than 2 years, or a fine of not more than \$20,000.00, or both.

3 (7) A law enforcement officer may confiscate any crane game  
4 that is available for play and is not in compliance with the ele-  
5 ments of the definition contained in subsection (5). The confis-  
6 cated crane games and their contents shall not be destroyed,  
7 altered, dismantled, sold, or otherwise disposed of except upon  
8 order of a court having competent jurisdiction.

9 (8) The following notice shall be conspicuously posted on  
10 the front of every crane game located in this state: "This game  
11 is not licensed or regulated by the state of Michigan."

12 (9) SUBSECTION (1) DOES NOT APPLY TO THE POSSESSION OR USE  
13 OF GAMING EQUIPMENT AND SUPPLIES BY AN INSTITUTION OF HIGHER EDU-  
14 CATION FOR EDUCATIONAL PURPOSES.

15 (10) AS USED IN THIS SECTION, "EDUCATIONAL PURPOSES" DOES  
16 NOT INCLUDE A WAGER FOR MONEY, CREDIT, OR ANY OTHER REPRESENTA-  
17 TIVE OF VALUE.