

## FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4932, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 310b (MCL 750.310b), as added by 1996 PA 539.

Recommends:

First: That the Senate recede from the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the Substitute of the House as passed by the House, amended to read as follows:

(attached)

Third: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 310b (MCL 750.310b), as added by 1996 PA 539.

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Bert Johnson

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Alan Sanborn

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Harold Haugh

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Randy Richardville

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Tory Rocca

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Samuel Buzz Thomas III

Conferees for the House

Conferees for the Senate



SUBSTITUTE FOR  
HOUSE BILL NO. 4932

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 310b (MCL 750.310b), as added by 1996 PA 539.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 310b. (1) This chapter does not apply to a redemption  
2 game if all of the following conditions are met:

3       (a) The outcome of the game is determined through the  
4 application of an element of skill by the player.

5       (b) The award of the prize is based upon the player's  
6 achieving the object of the game or otherwise upon the player's  
7 score.

8       (c) Only noncash prizes, toys, novelties, or coupons or other  
9 representations of value redeemable for noncash prizes, toys, or  
10 novelties are awarded. **A GIFT CARD MAY BE AWARDED UNDER THIS**

SUBDIVISION IF ALL OF THE FOLLOWING APPLY:

(i) THE GIFT CARD IS USABLE ONLY AT A RETAILER OR AN AFFILIATED GROUP OF RETAILERS.

(ii) THE GIFT CARD IS ISSUED IN A SPECIFIED AMOUNT.

(iii) THE GIFT CARD IS REDEEMABLE ONLY FOR GOODS AND SERVICES AVAILABLE FROM THE RETAILER OR RETAILERS AND NOT FOR CASH.

(iv) INFORMATION ON THE GIFT CARD MAY NOT BE ALTERED WITH THE USE OF A PERSONAL IDENTIFICATION NUMBER.

(d) The wholesale value of a prize, toy, or novelty awarded for the successful single play of a game is not more than \$3.75.

(e) The redemption value of coupons or other representations of value awarded for the successful single play of a game does not exceed 15 times the amount charged for a single play of the game or **A \$3.75-PER-PLAY AVERAGE**, whichever is less. However, players may accumulate coupons or other representations of value for redemption for noncash prizes, toys, or novelties of a greater value up to, but not exceeding, ~~\$250.00~~ **\$500.00** wholesale value.

(2) As used in this section, "redemption game" means a single player or ~~multi-player~~ **MULTIPLAYER** mechanical, electronic, or manual amusement device involving a game, the object of which is throwing, rolling, bowling, shooting, placing, propelling, or stopping a ball or other object into, upon, or against a hole or other target. Redemption game does not include either of the following:

(a) ~~Games~~ **A GAME** such as roulette, beano, cards, dice, ~~wheels~~ **WHEEL** of fortune, video poker, **A slot machines** ~~MACHINE~~, or ~~other games~~ **ANOTHER GAME** in which winning depends primarily upon

1 fortuitous or accidental circumstances beyond the control of the  
2 player.

3 (b) A game that includes a mechanical or physical device ~~which~~  
4 **THAT** directly or indirectly impairs or thwarts the skill of the  
5 player.