

Gambling—Slot Machines—Money—Confiscation.

Money found in confiscated slot machines has the same status as stolen money and should be disposed of under the provisions of sections 12240-12246 R. C. M. 1921.

D. H. Morgan, Esq.,
City Attorney,
Anaconda, Montana.

November 8, 1927.

My dear Mr. Morgan:

You state that in several instances the police of your city have arrested defendants and confiscated slot machines which contained cash and that you have advised the chief of police that such cash should be delivered to the city treasurer, a receipt taken therefor, and that it should be treated by the treasurer as cash paid in to the treasury on fines, and you have requested my opinion as to how such cash should be disposed of by the officer confiscating the slot machine.

There is no statute authorizing the confiscation of money found in the machines in the manner stated by you.

However, section 11161 R. C. M. 1921 provides as follows:

“Every person who, by means of any game, device, sleight-of-hand trick, or other means whatever, by the use of cards or other implements other than those mentioned in the following section hereof, or while betting on sides, or hands, of any such game or play, fraudulently obtains from another person money or property of any description, shall be deemed guilty of larceny of property of like value.”

From the above, it is my opinion that money found in these slot machines has the same status as stolen money and should be disposed of under the provisions of sections 12240 to 12246 R. C. M. 1921.

Very truly yours,

L. A. FOOT,
Attorney General.