

House Bill 176

In The House

January 13, 1981	Introduced and referred to Committee on Judiciary.  On motion by Chief Sponsor Representatives Manning and Nilson were added as authors to the pre-filed bill.
January 22, 1981	Committee recommend bill do pass as amended.
January 23, 1981	Bill printed and placed on members' desks.
January 24, 1981	Second reading do pass.
January 26, 1981	Correctly engrossed.

In The Senate

January 27, 1981	Introduced and referred to Committee on Taxation.
March 17, 1981	Committee recommend bill concurred.
March 19, 1981	On motion taken from second reading and referred to Taxation. Motion adopted.
March 31, 1981	On motion taken from Taxation and referred to second reading this Legislative day. Motion adopted.  Second reading indefinitely postponed as amended.

In The House

April 1, 1981	Returned from Senate indefinitely postponed.
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1                    HOUSE BILL NO. 176

2 INTRODUCED BY *[Signature]*

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
5 POSSESSION OF ANTIQUE SLOT MACHINES; AMENDING SECTIONS  
6 23-5-104 AND 23-5-122, MCA."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9        Section 1. Section 23-5-104, MCA, is amended to read:

10        "23-5-104. Slot machines -- possession unlawful --  
11 ~~antiques exempt. (1) Except as provided in subsection~~  
12 ~~(2), it shall be a misdemeanor and punishable as hereinafter~~  
13 ~~provided for any person to use, possess, operate, keep, or~~  
14 ~~maintain for use or operation or otherwise, anywhere within~~  
15 ~~the state of Montana, any slot machine of any sort or kind~~  
16 ~~whatsoever.~~

17        (2) Subsection (1) does not apply to an antique slot  
18 machine that is not used in the operation or promotion of  
19 unlawful gambling activity. For purposes of this section, an  
20 antique slot machine is a slot machine that was manufactured  
21 25 years ago or earlier."

22        Section 2. Section 23-5-122, MCA, is amended to read:

23        "23-5-122. Destruction of gambling apparatus -- when  
24 required. (1) The magistrate before whom any machine,  
25 apparatus, or instrument is brought pursuant to 23-5-121

1 must, if there is a prisoner and if he holds such prisoner,  
2 cause the machine, apparatus, or instrument to be delivered  
3 to the county attorney to be used as evidence on the trial  
4 of such prisoner. If there is no prisoner or if the  
5 magistrate does not hold the prisoner ~~and no one contends~~  
6 ~~that the slot machine is an antique,~~ the magistrate must  
7 cause the immediate and public destruction of the machine,  
8 apparatus, or instrument in his own presence. ~~If the~~  
9 ~~magistrate has reason to believe that the slot machine might~~  
10 ~~be an antique, he shall allow the owner of the slot machine~~  
11 ~~a reasonable amount of time to prepare and present the~~  
12 ~~contention that the slot machine is an antique.~~

13        (2) No person owning or claiming to own any such  
14 machine, apparatus, or instrument so destroyed in accordance  
15 with subsection (1) has any right of action against any  
16 person or against the state, county, or city for the value  
17 of such article or for damages. It is the duty of the county  
18 attorney to produce such articles in court on the trial of  
19 the case. It is the duty of the trial court, after the  
20 disposition of the case and whether the defendant is  
21 convicted, acquitted, or fails to appear for trial, to cause  
22 the immediate and public destruction of any such article by  
23 the sheriff or any other officer or person designated by the  
24 court unless it is determined that the slot machine is an  
25 antique and that it was not used in the operation or

LC 1281/01

1 promotion of any unlawful gambling activity. If such a  
2 determination is made, the antique slot machine must be  
3 returned to its owner."

-End-

Approved by Committee  
on Judiciary

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2 INTRODUCED BY YARDLEY

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18 ~~machine that is not used in the operation or promotion of~~  
19 ~~unlawful gambling activity. For purposes of this section, an~~  
20 ~~antique slot machine is a slot machine that was manufactured~~  
21 ~~25-years-ago-or-earlier PRIOR TO 1950."~~

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13 (2) No person owning or claiming to own any such  
14 machine, apparatus, or instrument ~~so destroyed in accordance~~  
15 ~~with subsection (1)~~ has any right of action against any  
16 person or against the state, county, or city for the value  
17 of such article or for damages. It is the duty of the county  
18 attorney to produce such articles in court on the trial of  
19 the case. It is the duty of the trial court, after the  
20 disposition of the case and whether the defendant is  
21 convicted, acquitted, or fails to appear for trial, to cause  
22 the immediate and public destruction of any such article by  
23 the sheriff or any other officer or person designated by the  
24 court ~~unless it is determined that the slot machine is an~~  
25 ~~antique and that it was not used in the operation or~~

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HB 0176/02

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2 determination is made, the antique slot machine must be  
3 returned to its owner."

-End-

March 31, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendments to House Bill 176, third reading copy, as follows:

1. Page 1, line 18.

Following: "machine"

Insert: "located in a private home or in a public museum"

Following: "not"

Insert: "operable and not"

2. Page 1, lines 11 and 12.

Following: "(1)"

Strike: all underlined material.

Insert: all stricken material.