

Senate Bill 227

In The Senate

January 21, 1981	Introduced and referred to Committee on Judiciary.
February 12, 1981	On motion taken from Judiciary and referred to second reading. Motion adopted.
February 13, 1981	Bill printed and placed on members' desks.
February 16, 1981	Indefinitely postponed.
February 17, 1981	On motion Senate reconsider its action taken on second reading, previous Legislative Day. Motion failed.

1 *Amended* BILL NO. *227*
 2 INTRODUCED BY *Bob Brown* ~~Yardley~~ *Steve Blount*
 3 *Andrison* *Hall* *Hall* *Harper Conn*
 4 *Curtiss* A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE GAMBLING

5 LAWS; DEFINING SLOT MACHINES, FREE-PLAY PINBALL MACHINES,
 6 AND FREE-PLAY CONSOLE MACHINES; ALLOWING THE KEEPING AND
 7 PLAYING OF FREE-PLAY PINBALL MACHINES AND FREE-PLAY CONSOLE
 8 MACHINES; AND CLARIFYING WHAT ARE AUTHORIZED CARD GAMES,
 9 RAFFLES, AND BINGO; AMENDING SECTIONS 23-5-101, 23-5-102,
 10 23-5-302, AND 23-5-411, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 23-5-101, MCA, is amended to read:
 14 "23-5-101. Definitions. (1) A slot machine is defined
 15 as a any machine, apparatus, or device that is operated by
 16 inserting a or depositing, or by placing with another
 17 person, any coin, token, chip, trade check, or paper
 18 currency, therein--by the player and from the play of which
 19 he obtains or may obtain or other object if, as a result of
 20 such operation by reason of any element of chance, the user
 21 may receive or become entitled to money, checks, chips,
 22 tokens, or paper currency redeemable in money or anything of
 23 value, irrespective of whether the machine, apparatus, or
 24 device may, apart from any element of chance, also sell,
 25 deliver, or present money, merchandise, or other tangible or

1 intangible thing of value. Merchandise--vending-machines
 2 where the element of chance does not enter into their
 3 operation--are not within the provisions of this part. A
 4 free-play pinball machine or free-play console machine is
 5 not a slot machine.

6 (2) In addition to their ordinary meaning, the words
 7 "person" or "persons", as used in this part, include both
 8 natural and artificial persons and all partnerships,
 9 corporations, associations, clubs, fraternal orders, and
 10 societies, including religious, fraternal, and charitable
 11 organizations.

12 (3) A free-play pinball machine is defined as a
 13 machine that upon the insertion of one or more coins
 14 releases one or more balls, to be propelled by means of a
 15 plunger, for use of the player. Upon the obtaining of
 16 certain scores or combinations of numbers, the machine
 17 rewards the player with a specified number of free games,
 18 allowing the player to continue to play the machine without
 19 the insertion of additional coins or tokens. The free-play
 20 pinball machine may not pay out either cash or tokens and
 21 the free games or points accumulated by the player may not
 22 be redeemable in money, merchandise, or anything of value.

23 (4) A free-play console machine is defined as a
 24 machine, the mechanism of which is encased in a wooden,
 25 metal, or plastic cabinet, with a backboard upon which are

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1 ~~certain combinations of numbers or symbols that the player~~
 2 ~~must match. The insertion of one or more coins or tokens by~~
 3 ~~the player releases the mechanism and causes two or more~~
 4 ~~reels to spin. If the reels stop on specified combinations,~~
 5 ~~matching those on the backboard, the machine rewards the~~
 6 ~~player with a specified number of free games, allowing the~~
 7 ~~player to continue to play the machine without the insertion~~
 8 ~~of additional coins or tokens. The free-play console machine~~
 9 ~~may not pay out either cash or tokens and the free game or~~
 10 ~~points accumulated by the player may not be redeemable in~~
 11 ~~money, merchandise, or anything of value."~~

12 Section 2. Section 23-5-102, MCA, is amended to read:

13 "23-5-102. Gambling prohibited -- penalty. (1) Except
 14 as otherwise provided by law, a person who engages in
 15 gambling in any form with cards, dice, or other implements
 16 or devices of any kind wherein anything valuable may be
 17 wagered upon the outcome or who keeps any establishment,
 18 place, equipment, or apparatus for such gambling or any
 19 agents or employees for such purpose is guilty of a
 20 misdemeanor and is punishable by a fine of not less than
 21 \$100 or more than \$1,000 or imprisonment not less than 3
 22 months or more than 1 year or by both such fine and
 23 imprisonment.

24 ~~(2) Subsection (1) does not prohibit the keeping or~~
 25 ~~playing of free-play pinball machines or free-play console~~

1 machines."

2 Section 3. Section 23-5-302, MCA, is amended to read:

3 "23-5-302. Definitions. As used in this part and
 4 unless the context requires otherwise, the following terms
 5 or phrases have the following meanings:

6 (1) "Authorized card game" means any card game
 7 permitted by this part, ~~but does not include any card game~~
 8 ~~played on, by, or with any machine, apparatus, electronic~~
 9 ~~device, or other instrument.~~

10 (2) "Card game" means any game played by and between
 11 two or more persons with playing cards for which the prize
 12 is money or any item of value."

13 Section 4. Section 23-5-411, MCA, is amended to read:

14 "23-5-411. Bingo and raffles authorized. Conducting or
 15 participating in games of chance as defined in 23-5-402 and
 16 in accordance with the provisions of this part is lawful,
 17 ~~except that it is unlawful for a person to maintain or~~
 18 ~~operate any machine, apparatus, electronic device, or other~~
 19 ~~instrument that purports to simulate those games of chance~~
 20 ~~defined in 23-5-402."~~

-End-

Committee on Judiciary
without recommendation
On motion placed on second
reading

Curtiss
1 *Smith* BILL NO. *227*
2 INTRODUCED BY *Bob Brown* *Steve Brown*
Harrison *Hall* *Hall* *Hager* *Conn*

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LAWS; DEFINING SLOT MACHINES, FREE-PLAY PINBALL MACHINES,
AND FREE-PLAY CONSOLE MACHINES; ALLOWING THE KEEPING AND
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he-obtains-or-may-obtain or other object if, as a result of
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may receive or become entitled to money, checks, chips,
tokens, or paper currency redeemable in money or anything of
value, irrespective of whether the machine, apparatus, or
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deliver, or present money, merchandise, or other tangible or

intangible thing of value. Merchandise--vending machines
where-the-element-of-chance-does-not-enter-into-their
operation-are-not-within-the-provisions-of-this-part. A
free-play pinball machine or free-play console machine is
not a slot machine.

(2) In addition to their ordinary meaning, the words
"person" or "persons", as used in this part, include both
natural and artificial persons and all partnerships,
corporations, associations, clubs, fraternal orders, and
societies, including religious, fraternal, and charitable
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(3) A free-play pinball machine is defined as a
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machine, the mechanism of which is encased in a wooden,
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