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INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE PLACEMENT OF SATELLITE TERMINALS OR AUTOMATED TELLER MACHINES ON GAMBLING PREMISES AND CERTAIN ADJACENT PROPERTY; AND AMENDING SECTIONS 23-5-157 AND 32-6-304, MCA."

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

**Section 1.** Section 23-5-157, MCA, is amended to read:

**"23-5-157. Gambling on cash basis -- automated teller machines prohibited.** (1)(a) In every gambling activity, except raffles as authorized in 23-5-413, the consideration paid for the chance to play must be made in cash. A check or credit card may be used to obtain cash to participate in a gambling activity. A participant shall present the cash needed to play the game as the game is being played. A check, credit card, note, IOU, or other evidence of indebtedness may not be offered or accepted as part of the price of participation in the gambling activity or as payment of a debt incurred in the gambling activity.

(b) A satellite terminal or automated teller machine, as defined in 32-6-103, may not be located on a premises, as defined in 23-5-112, or on property adjacent to the premises if any person having an interest in the premises also has an interest in the adjacent property.

(2) A person who violates this section is guilty of:

(a) a misdemeanor and ~~must~~ shall be punished in accordance with 23-5-161; or

(b) a felony upon conviction of a third or subsequent offense and ~~must~~ shall be punished in accordance with 23-5-162."

**Section 2.** Section 32-6-304, MCA, is amended to read:

**"32-6-304. ~~Automatic~~ Automated teller machines -- additional standards.** Before the department authorizes an ~~automatic~~ automated teller machine, the owner ~~must~~ shall certify to the department that the machine complies with the provisions of 23-5-157 and this chapter and is:

- (1) equipped with adequate security provisions;
- (2) activated by a unique identification device;

House BILL NO. 349  
*Emer James Dot McFee Barnett*  
*Robert [unclear]*  
*Robert Arnold [unclear] [unclear]*

1 (3) designed so as to produce the transaction record required by 32-6-301(1)."

2 -END-