

1 IN THE SENATE

BY HOHMAN

2 SENATE BILL NO. 381

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing possession of antique slot ma-  
7 chines."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 11.45.040 is amended to read:

10 Sec. 11.45.040. SEIZURE AND DESTRUCTION OF GAMBLING DEVICES.

11 Except as provided in sec. 45 of this chapter, the [THE] commissioner of  
12 public safety, a member of the division of state police, or a police or  
13 peace officer designated by the commissioner shall seize and destroy a  
14 gambling implement.

15 \* Sec. 2. AS 11.45 is amended by adding a new section to read:

16 Sec. 11.45.045. ANTIQUE SLOT MACHINES; STATE PREEMPTION. (a)

17 Section 40 of this chapter does not apply to a slot machine which

18 (1) was manufactured before January 1, 1941; and

19 (2) has not been operated for gambling purposes in this state  
20 since its acquisition by the present owner.

21 (b) No slot machine which has been seized under sec. 40 of this  
22 chapter may be altered, destroyed, or disposed of by a governmental  
23 officer or employee except under a court order.

24 (c) Before ordering the alteration, destruction, or disposal of a  
25 slot machine, the court shall hold a hearing at which the owner of the  
26 slot machine is given an opportunity to establish that the slot machine  
27 should be returned to him. The court shall order the return of the slot  
28 machine to its owner if he establishes, by a preponderance of the evi-  
29 dence, that the slot machine

1 (1) was manufactured before January 1, 1941; and

2 (2) has not been operated for gambling purposes in this state  
3 during the period following its acquisition by the owner and before its  
4 seizure by the government.

5 (d) No municipality may adopt an ordinance which is inconsistent  
6 with this section.

7 (e) As used in this section, "slot machine" means a device which  
8 operates by means of insertion of a coin, token, or similar object and  
9 which, by strict dependence upon the element of chance, may deliver or  
10 may purport to entitle the person playing or operating the machine to  
11 receive cash, premiums, merchandise, or tokens.