

HOUSE BILL NO. 5227

October 25, 2023, Introduced by Reps. Neeley, Scott, Liberati, O'Neal and Brenda Carter and referred to the Committee on Regulatory Reform.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 303 (MCL 750.303), as amended by 1996 PA 129.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 303. (1) Except as otherwise provided in this ~~section,~~
2 **chapter**, a person who for hire, gain, or reward, keeps or maintains
3 a gaming room, gaming table, game of skill or chance, or game
4 partly of skill and partly of chance, used for gaming, or who
5 permits a gaming room, or gaming table, or game to be kept,
6 maintained, or played on premises occupied or controlled by the
7 person, is guilty of a misdemeanor, punishable by imprisonment for

1 not more than 2 years, or a fine of not more than \$1,000.00. A
2 person who aids, assists, or abets in the keeping or maintaining of
3 a gaming room, gaming table, or game, is guilty of a misdemeanor,
4 punishable by imprisonment for not more than 2 years, or a fine of
5 not more than \$1,000.00.

6 (2) Subsection (1) does not apply to a mechanical amusement
7 device ~~which that~~ may, through the application of an element of
8 skill, reward the player with the right to replay the mechanical
9 amusement device at no additional cost if the mechanical amusement
10 device ~~is not allowed to~~ **does all of the following:**

11 (a) **Does not** accumulate more than 15 replays at 1 time. ~~; the~~
12 ~~mechanical amusement device is~~

13 (b) **Is** designed so that accumulated free replays may only be
14 discharged by reactivating the device for 1 additional play for
15 each accumulated free replay. ~~; and the mechanical amusement device~~
16 ~~makes~~

17 (c) **Makes** no permanent record, directly or indirectly, of the
18 free replays awarded.

19 (3) Subsection (1) does not apply to a slot machine if the
20 slot machine is 25 years old or older and is not used for gambling
21 purposes. ~~As used in this section, "slot machine" means a~~
22 ~~mechanical device, an essential part of which is a drum or reel~~
23 ~~which bears an insignia and which when operated may deliver, as a~~
24 ~~result of the application of an element of chance, a token or money~~
25 ~~or property, or by operation of which a person may become entitled~~
26 ~~to receive, as a result of the application of an element of chance,~~
27 ~~a token or money or property.~~

28 (4) A slot machine ~~which is being~~ used for a gambling purpose
29 in violation of subsection (3) ~~shall~~ **must** be confiscated and turned

1 over to the director of the department of state police for auction.

2 (5) Subsection (1) does not apply to a crane game. As used in
3 this section, "crane game" means an amusement machine activated by
4 the insertion of a coin by which the player uses 1 or more buttons,
5 joysticks, or similar means of control, or a combination of those
6 means of control, to position a mechanical or electromechanical
7 claw, or other retrieval device, over a prize, toy, novelty, or an
8 edible item having a wholesale value of not more than \$3.75, and
9 ~~thereby~~ attempts to retrieve the prize, toy, novelty, or edible
10 item. Every prize, toy, or edible item must be retrievable by the
11 claw. A slot machine is not considered a crane game.

12 (6) A person who knowingly alters a crane game that is
13 available for play so that the crane game is not in compliance with
14 the elements of the definition ~~contained~~ in subsection (5) is
15 guilty of a felony, punishable by imprisonment for not more than 2
16 years ~~—~~ or a fine of not more than \$20,000.00, or both.

17 (7) A law enforcement officer may confiscate any crane game
18 that is available for play and is not in compliance with the
19 elements of the definition ~~contained~~ in subsection (5). The
20 confiscated crane games and their contents ~~shall—must~~ not be
21 destroyed, altered, dismantled, sold, or otherwise disposed of
22 except upon order of a court having competent jurisdiction.

23 (8) The following notice ~~shall—must~~ be conspicuously posted on
24 the front of every crane game located in this state: "This game is
25 not licensed or regulated by the state of Michigan."

26 (9) **As used in this chapter, "slot machine" means any**
27 **mechanical, electrical, electromechanical, or other device,**
28 **contrivance, or machine that, on insertion of a coin, token, or**
29 **similar object, or on payment of any consideration, is available to**

1 play or operate. The play or operation of the slot machine, whether
2 by reason of skill of the operator or application of the element of
3 chance, or both, may deliver to or entitle the person playing or
4 operating the machine to receive cash, premiums, merchandise,
5 tokens, or anything of value, whether the payoff is made
6 automatically from the machine or in any other manner.