

2C:21-18

LEGISLATIVE HISTORY CHECKLIST

(Code of Criminal Justice--not to affect
Casino Control Act--slot machines)

NJSA 2C:21-18; 2C:37-1, et al.

LAWS OF 1979

CHAPTER 176

Bill No. S1295

Sponsor(s) Perskie

Date Introduced Aug. 14, 1978

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Judiciary

Amended during passage Yes

xg Amendments during passage
denoted by asterisks

Date of Passage: Assembly May 21, 1979

Senate Feb. 13, 1979

Date of approval Aug. 29, 1979

Following statements are attached if available:

Sponsor statement	Yes	XX
Committee Statement: Assembly	Yes	XX
Senate	Yes	XX
Fiscal Note	YES	No
Veto message	YES	No
Message on signing	YES	No

Following were printed:

Reports	YES	No
Hearings	YES	No

EJ

9/1/78

RECEIVED
AUG 29 1979
LEGISLATIVE
SERVICES

103-170
8-19-78
[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1295

STATE OF NEW JERSEY

INTRODUCED AUGUST 14, 1978

By Senator PERSKIE

Referred to Committee on Judiciary

AN ACT concerning the regulation of gambling devices, and amending sections 2C:21-18, ****2C:37-1,**** 2C:37-7 and 2C:37-9 of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. N. J. S. 2C:21-18 is amended to read as follows:

2 2C:21-18. Slugs. A person is guilty of a petty disorderly persons
3 offense when, *other than under such circumstances as would con-*
4 *stitute a violation of any of the provisions of the "Casino Control*
5 *Act" (P. L. 1977, c. 110):*

6 (1) He inserts or deposits a slug in a coin machine with purpose
7 to defraud; or

8 (2) He makes, possesses or disposes of a slug with purpose to
9 enable a person to insert or deposit it in a coin machine.

10 "Slug" means an object or article which, by virtue of its size,
11 shape or any other quality is capable of being inserted or deposited
12 in a coin machine as an improper substitute for money.

13 **【*Nothing in this section shall be deemed applicable to any activi-**
14 **ties permitted pursuant to P. L. 1977, c. 110, "The Casino Control**
15 **Act.**】**

1 2. N. J. S. 2C:37-7 is amended to read as follows:

2 2C:37-7. Possession of a Gambling Device. A person except a
3 player is guilty of possession of a gambling device when, with
4 knowledge of the character thereof, he manufactures, sells, trans-
5 ports, places or possesses, or conducts or negotiates any transac-
6 tion affecting or designed to affect ownership, custody or use of【:

7 a. A slot machine; or

8 b. Any other】 ****[any]** **:** a. A slot machine; or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

8A *b. Any other*** gambling device, believing that the same is to
9 be used in the advancement of unlawful gambling activity.

10 Possession of a gambling device *other than under such circum-*
11 *stances as would constitute a violation of section 116 of the*
12 *“Casino Control Act” (P. L. 1977, c. 110; C. 5:12-1 et seq.)* is a
13 disorderly persons offense ***[.]* ***;* provided, however, that poss-
14 session of not more than one **[slot machine or other]** gambling
15 device *other than a slot machine* for social use within the home shall
16 not be an offense under this section*; *and provided further, how-*
17 *ever that possession of **[an]** **one or more** antique slot*
18 ***[machine]** **machines** shall not be an offense under this*
19 *section or under section 116 of the “Casino Control Act” (P. L.*
20 *1977, c. 110; C. 5:12-1 et seq.). As used in this section, “antique*
21 *slot machine” means a slot machine which was manufactured prior*
22 *to 1941. Nothing herein contained shall be construed to authorize*
23 *the use of an antique slot machine for any **[commercial or]*****
24 *unlawful purpose or for gaming.**

1 3. N. J. S. 2C:37-9 is amended to read as follows:

2 2C:37-9. Nonapplicability. Nothing in this chapter shall be
3 **[deemed applicable to any activities permitted pursuant to P. L.**
4 **1977, c. 110, “The Casino Control Act.”]** *construed to prohibit any*
5 *activity authorized by the “Casino Control Act” (P. L. 1977,*
6 *c. 110; C. 5:12-1 et seq.), or to supersede any provision of said act.*

1 **4. N. J. S. 2C:37-1 is amended to read as follows:

2 2C:37-1. Definitions. The following definitions apply to this
3 chapter and to chapter 64:

4 a. “Contest of chance” means any contest, game, pool, gaming
5 scheme or gaming device in which the outcome depends in a ma-
6 terial degree upon an element of chance, notwithstanding that skill
7 of the contestants or some other persons may also be a factor
7A therein.

8 b. “Gambling” means staking or risking something of value
9 upon the outcome of a contest of chance or a future contingent event
10 not under the actor’s control or influence, upon an agreement or
11 understanding that he will receive something of value in the event
12 of a certain outcome.

13 c. “Player” means a person who engages in any form of gam-
14 bling solely as a contestant or bettor, without receiving or becoming
15 entitled to receive any profit therefrom other than personal gam-
16 bling winnings, and without otherwise rendering any material
17 assistance to the establishment, conduct or operation of the par-
18 ticular gambling activity. A person who gambles at a social game
19 of chance on equal terms with the other participants therein does

20 not thereby render material assistance to the establishment, con-
21 duct or operation of such game if he performs, without fee or
22 remuneration, acts directed toward the arrangement or facilitation
23 of the game, such as inviting persons to play, permitting the use
24 of premises therefor or supplying cards or other equipment used
25 therein. A person who engages in "bookmaking" as defined in
26 this section is not a "player."

27 d. "Something of value" means any money or property, any
28 token, object or article exchangeable for money or property, or any
29 form of credit or promise directly or indirectly contemplating
30 transfer of money or property or of any interest therein, or involv-
31 ing extension of a service, entertainment or a privilege of playing
32 at a game or scheme without charge.

33 e. "Gambling device" means any device, machine, paraphernalia
34 or equipment which is used or usable in the playing phases of any
35 gambling activity, whether such activity consists of gambling
36 between persons or gambling by a person involving the playing of a
37 machine. Notwithstanding the foregoing, lottery tickets, policy
38 slips and other items used in the playing phases of lottery and
39 policy schemes are not gambling devices.

40 f. "Slot machine" means [a gambling device which, as a result of
41 the insertion of a coin or other object, operates, either completely
42 automatically or with the aid of some physical act by the player, in
43 such manner that, depending upon elements of chance, it may
44 eject something of value] *any mechanical, electrical or other device,*
45 *contrivance or machine which, upon insertion of a coin, token or*
46 *similar object therein, or upon payment of any consideration*
47 *whatsoever, is available to play or operate, the play or operation*
48 *of which, whether by reason of the skill of the operator or appli-*
49 *cation of the element of chance, or both, may deliver or entitle the*
50 *person playing or operating the machine to receive cash or tokens*
51 *to be exchanged for cash, whether the payoff is made automatically*
52 *from the machine or in any other manner whatsoever.* A device so
53 constructed, or readily adaptable or convertible to such use, is no
54 less a slot machine because it is not in working order or because
55 some mechanical act of manipulation or repair is required to
56 accomplish its adaptation, conversion or workability. [Nor is it
57 any less a slot machine because, apart from its use or adaptability
58 as such, it may also sell or deliver something of value on a basis
59 other than chance. A machine which sells items of merchandise
60 which are of equivalent value, is not a slot machine merely because
61 such items differ from each other in composition, size, shape or
62 color.]

63 g. "Bookmaking" means advancing gambling activity by unlaw-
64 fully accepting bets from members of the public upon the outcome
65 of future contingent events as a business.

66 h. "Lottery" means an unlawful gambling scheme in which (a)
67 the players pay or agree to pay something of value for chances,
68 represented and differentiated by numbers or by combinations of
69 numbers or by some other media, one or more of which chances are
70 to be designated the winning ones; and (b) the winning chances
71 are to be determined by a drawing or by some other method based
72 upon the element of chance; and (c) the holders of the winning
73 chances are to receive something of value.

74 i. "Policy" or "the numbers game" means a form of lottery
75 in which the winning chances or plays are not determined upon the
76 basis of a drawing or other act on the part of persons conducting or
77 connected with the scheme, but upon the basis of the outcome or
78 outcomes of a future contingent event or events otherwise unre-
79 lated to the particular scheme.

80 j. "Gambling resort" means a place to which persons may
81 resort for engaging in gambling activity.

82 k. "Unlawful" means not specifically authorized by law.**

1 **[4.]** **5.** This act shall take effect ***[September 1,
2 1979]*** **upon the effective date of P. L. 1978, c. 95***.

10 Possession of a gambling device *other than under such circum-*
 11 *stances as would constitute a violation of section 116 of the*
 12 *“Casino Control Act” (P. L. 1977, c. 110; C. 5:12-1 et seq.)* is a
 13 disorderly persons offense, provided, however, that possession of
 14 not more than one [slot machine or other] gambling device *other*
 15 *than a slot machine* for social use within the home shall not be an
 16 offense under this section.

1 3. N. J. S. 2C:37-9 is amended to read as follows:

2 2C:37-9. Nonapplicability. Nothing in this chapter shall be
 3 [deemed applicable to any activities permitted pursuant to P. L.
 4 1977, c. 110, “The Casino Control Act.”] *construed to prohibit any*
 5 *activity authorized by the “Casino Control Act” (P. L. 1977,*
 6 *c. 110; C. 5:12-1 et seq.), or to supersede any provision of said act.*

1 4. This act shall take effect September 1, 1979.

STATEMENT

The purpose of this bill is to remove inconsistencies between the
 “New Jersey Code of Criminal Justice” and the “Casino Control
 Act.” The bill makes clear that nothing in the code will supersede
 the provisions of the “Casino Control Act.”

The bill also amends the code provisions which permit the
 possession of a slot machine in the home for social use. Under
 the terms of the “Casino Control Act,” such possession would not
 be legal.

S1295 (1979)

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 1295

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: APRIL 23, 1979

The purpose of this bill is to remove inconsistencies between the "New Jersey Code of Criminal Justice" and the "Casino Control Act." The bill makes clear that nothing in the code will supersede the provisions of the "Casino Control Act."

The bill also would modify the prohibition against possession of gambling devices under both the code and the "Casino Control Act," to allow for the possession or sale of one or more antique slot machines. Under the bill, antique slot machines are defined as those manufactured before 1941.

The bill would, as well, change the definition of "slot machine" in the penal code to correspond with the definition in the "Casino Control Act" and the regulations adopted pursuant to that act.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1295

STATE OF NEW JERSEY

DATED: JANUARY 22, 1979

The purpose of this bill is to remove inconsistencies between the "New Jersey Code of Criminal Justice" and the "Casino Control Act." The bill makes clear that nothing in the code will supersede the provisions of the "Casino Control Act."

The bill also would modify the prohibition against possession of gambling devices under both the Code and the "Casino Control Act," to allow for the possession of antique slot machines. Under the bill, antique slot machines are defined as those manufactured before 1941.