

such machines are situated may, in their discretion, cause such machines to be registered in a manner appropriate to their office and to be sealed against use, stored, kept and possessed under the supervision and control of said county commissioners or county executive pending lawful disposal.

(C) For the purposes of this section, the term "premises" shall mean any parcel or tract of land, whether improved or unimproved, under single ownership, or under the ownership of any combination of persons, firms or corporations associated together in any joint or common venture.

III. Any firm, person or corporation violating the provisions hereof shall be deemed guilty of a misdemeanor and shall, upon conviction, be punishable by a fine of one thousand dollars (\$1,000) or by imprisonment for a period not to exceed one (1) year, or by both such fine and such imprisonment, for each violation.

IV. It shall be unlawful for the licensing authorities in Calvert, Charles and St. Mary's counties to charge a license fee for such slot machines that shall exceed the pro rata share of the license fee for such slot machines up to the date such slot machines are required to be removed by the provisions of this section.

V. IT SHALL BE A DEFENSE TO ANY PROSECUTION UNDER PARAGRAPH III OF THIS SECTION IF THE DEFENDANT SHOWS THAT THE SLOT MACHINE IS AN ANTIQUE SLOT MACHINE AND WAS NOT OPERATED FOR GAMBLING PURPOSES WHILE IN THE DEFENDANT'S POSSESSION. FOR THE PURPOSES OF THIS PARAGRAPH, A SLOT MACHINE IS AN ANTIQUE SLOT MACHINE IF THE DEFENDANT SHOWS BY A PREPONDERANCE OF THE EVIDENCE THAT IT WAS MANUFACTURED PRIOR TO 1941. WHENEVER THIS DEFENSE IS OFFERED, NO SLOT MACHINE SEIZED FROM ANY DEFENDANT SHALL BE DESTROYED OR OTHERWISE ALTERED UNTIL AFTER A FINAL COURT DETERMINATION INCLUDING REVIEW UPON APPEAL, IF ANY, THAT THE DEFENSE IS NOT APPLICABLE. IF THE DEFENSE IS APPLICABLE, THE SLOT MACHINE SHALL BE RETURNED PURSUANT TO PROVISIONS OF LAW PROVIDING FOR THE RETURN OF PROPERTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1981.

Approved May 12, 1981.

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CHAPTER 281

(Senate Bill 408)

AN ACT concerning