

Also in item (1)(ii)2 of this section, the reference to an object that "can be converted" into money is substituted for the former reference to an object "convertible" into money for clarity.

In item (2)(i) of this section, the reference to "awards" is substituted for the former reference to a "present" for clarity.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that in item (2)(ii) of this section, the reference to a "pinball machine or console machine that pays off in merchandise" is added to reflect the holdings of the Court of Appeals in *Clerk of Circuit Court for Calvert County v. Chesapeake Beach Park, Inc.*, 251 Md. 657 (1968) and in *Board of County Commissioners of Charles County et al. v. Conner t/a Southern Trails Reno*, 251 Md. 670 (1968), that such devices are slot machines prohibited under former Art. 27, § 264B.

The Criminal Law Article Review Committee also notes, for the consideration of the General Assembly, that the Court of Appeals, in *Clerk of the Circuit Court for Calvert County v. Chesapeake Beach Park, Inc.*, 251 Md. 657 (1968) and in *State v. One Hundred Fifty-Eight Gaming Devices*, 304 Md. 404 (1985), held that a machine that pays off only in free plays that are not redeemable for any other item, is not a slot machine. On the other hand, the Court, in *One Hundred Fifty-Eight Gaming Devices*, held that a machine that involves an element of chance and is equipped with odds mechanisms or a meter for recording the number of free plays released, "established indicia of a gambling device", is an illegal slot machine. The General Assembly may wish to consider substantive legislation to clarify this section in light of these decisions.

Defined term: "Person" § 1-101

#### 12-302. POSSESSION OR OPERATION OF SLOT MACHINE.

##### (A) PROHIBITED.

EXCEPT AS ALLOWED UNDER §§ 12-304 THROUGH 12-306 OF THIS SUBTITLE, A PERSON MAY NOT LOCATE, POSSESS, KEEP, OR OPERATE A SLOT MACHINE IN THE STATE AS AN OWNER, LESSOR, LESSEE, LICENSOR, LICENSEE, OR IN ANY OTHER CAPACITY.

##### (B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE OF \$1,000 OR BOTH FOR EACH VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 264B I and III.

In this section, the defined term "person" is substituted for the former references to a "person, firm or corporation" and "firm, person or corporation". See § 1-101 of this article.