

In subsection (a) of this section, the former reference to "maintain[ing]" a slot machine is deleted as included in the reference to "keep[ing]" a slot machine.

Defined terms: "Person" § 1-101

"Slot machines" § 12-301

12-303. ANTIQUE SLOT MACHINE — DEFENSE.

(A) "ANTIQUÉ SLOT MACHINE" DEFINED.

IN THIS SECTION, "ANTIQUÉ SLOT MACHINE" MEANS A SLOT MACHINE THAT WAS MANUFACTURED AT LEAST 25 YEARS BEFORE THE DATE ON WHICH THE MACHINE IS SEIZED.

(B) IN GENERAL.

A PERSON MAY NOT BE CONVICTED UNDER § 12-302 OF THIS SUBTITLE IF THE PERSON SHOWS BY A PREPONDERANCE OF THE EVIDENCE THAT THE SLOT MACHINE:

(1) IS AN ANTIQUÉ SLOT MACHINE; AND

(2) WAS NOT OPERATED FOR GAMBLING PURPOSES WHILE IN THE PERSON'S POSSESSION.

(C) DESTRUCTION OR ALTERATION PROHIBITED PENDING DETERMINATION OF STATUS.

IF THE DEFENSE IS OFFERED THAT A SEIZED SLOT MACHINE IS AN ANTIQUÉ SLOT MACHINE, THE SLOT MACHINE MAY NOT BE DESTROYED OR OTHERWISE ALTERED UNTIL AFTER A FINAL JUDICIAL DETERMINATION, INCLUDING REVIEW ON APPEAL, THAT THE DEFENSE DOES NOT APPLY.

(D) RETURN OF SLOT MACHINE DETERMINED TO BE ANTIQUÉ.

IF THE DEFENSE APPLIES, THE PERSON WHO SEIZED THE SLOT MACHINE SHALL RETURN THE SLOT MACHINE IN ACCORDANCE WITH APPLICABLE PROVISIONS OF LAW FOR THE RETURN OF PROPERTY.

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

In subsection (b) of this section, the phrase "[a] person may not be convicted" is substituted for the former phrase "[i]t shall be a defense to any prosecution" for brevity.

Also in subsection (b) of this section, the references to a "person" are substituted for the former references to a "defendant" for consistency within this article.

In subsection (c) of this section, the reference to "a final judicial determination" is substituted for the former reference to "a final court determination including review upon appeal, if any" for brevity.