

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.303 Keeping or maintaining gaming room, gaming table, or game of skill or chance for hire, gain, or reward; accessory; applicability of subsection (1) to mechanical amusement device, slot machine, or crane game; "slot machine" and "crane game" defined; notice.

Sec. 303.

(1) Except as otherwise provided in this section, a person who for hire, gain, or reward, keeps or maintains a gaming room, gaming table, game of skill or chance, or game partly of skill and partly of chance, used for gaming, or who permits a gaming room, or gaming table, or game to be kept, maintained, or played on premises occupied or controlled by the person, is guilty of a misdemeanor, punishable by imprisonment for not more than 2 years, or a fine of not more than \$1,000.00. A person who aids, assists, or abets in the keeping or maintaining of a gaming room, gaming table, or game, is guilty of a misdemeanor, punishable by imprisonment for not more than 2 years, or a fine of not more than \$1,000.00.

(2) Subsection (1) does not apply to a mechanical amusement device which may, through the application of an element of skill, reward the player with the right to replay the mechanical amusement device at no additional cost if the mechanical amusement device is not allowed to accumulate more than 15 replays at 1 time; the mechanical amusement device is designed so that accumulated free replays may only be discharged by reactivating the device for 1 additional play for each accumulated free replay; and the mechanical amusement device makes no permanent record, directly or indirectly, of the free replays awarded.

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

(4) A slot machine which is being used for a gambling purpose in violation of subsection (3) shall be confiscated and turned over to the director of the department of state police for auction.

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

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

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

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

History: 1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.303 ;-- Am. 1975, Act 315, Imd. Eff. Dec. 22, 1975 ;-- Am. 1979, Act 43, Imd. Eff. July 2, 1979 ;-- Am. 1988, Act 464, Imd. Eff. Dec. 27, 1988 ;-- Am. 1990, Act 130, Imd. Eff. June 26, 1990 ;-- Am. 1996, Act 129, Imd. Eff. Mar. 13, 1996

Constitutionality: The provision of the Penal Code which exempts from the statutory proscription of gaming devices mechanical amusement devices which, through application of an element of skill, reward a player with free replays of the device, and which do not allow more than fifteen replays or the discharge of free replays without actually being played or keep a permanent record of the replays awarded is not unconstitutionally vague. *Automatic Music and Vending Corporation v Liquor Control Commission*, 426 Mich 452; 396 NW2d 204 (1986).

Former Law: See section 15 of Ch. 43 of R.S. 1846, being CL 1857, § 1588; CL 1871, § 1998; How., § 2029; CL 1897, § 5935; CL 1915, § 7801; CL 1929, § 9117; and Act 171 of 1877.