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M E M O R A N D U M

September 23, 1964

To: Mr. Uviller

From: Mr. Andreoli

Article 230: Gambling offenses on the proposed New York Penal Law represents a vast improvement in respect to the present Article 88 of the New York Penal Law.

The simplified form utilized therein clearly and precisely states those acts prohibited by the Gambling Law and adequately covers those aspects of gambling activities that should be made criminal.

There is one suggestion, however, that I would make to clarify Section 230.20, Possession of Gambling Devices, to an even greater degree. Subdivision 2 of the said section refers to any machine or device usable or adaptable to gambling purposes, knowing or expecting the same is to be used in the advancement or motion of gambling activity. It is suggested that the following definition should be added to the article 230.20: That the term machine or gambling device referred to in Subdivision 2 of Section 230.20 includes but is not limited to any such machine or device in which the outcome depends in a material degree upon an element of chance notwithstanding that the skill of the contestant may also be a factor therein.