



**U.S. Department of Justice**

**Criminal Division**

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*Office of Enforcement Operations*

*Washington, D.C. 20530*

## **INFORMATION REGARDING THE GAMBLING DEVICES ACT OF 1962**

Public Law 87-840, the Gambling Devices Act of 1962, amends the Johnson Act (64 Stat. 1134, 15 U.S.C. 1171-1178) relating to the manufacture and transportation of gambling devices in interstate and foreign commerce.

Under this Act a gambling device is defined as any so-called slot machine or any other machine or mechanical device, including but not limited to roulette wheels, which is designed and manufactured primarily for use in connection with gambling, and any subassembly or essential part to be used in any such machines, but which is not attached to any such machine or mechanical device as a constituent part.

The only exceptions made to these broadly defined categories are any machine or mechanical device primarily designed and manufactured for use at a race track in connection with pari-mutual betting; any so-called claw, crane, or digger machine which is operated by crank, not by a coin, and is designed and manufactured for use at carnivals and state or county fairs; and any machine or mechanical device, such as a coin-operated bowling alley, shuffle board, ordinary pinball machine, or mechanical gun, which is not designed for use in connection with gambling and which, when operated, does not deliver, either directly or indirectly, money or property to the operator as a result of the application of an element of chance.

The Act outlines a comprehensive scheme designed to require certain persons who are engaged in certain businesses involving such gambling devices to register annually with the Attorney General. In particular the persons and activities included are any person who is in the business of manufacturing gambling devices and whose business affects interstate commerce, regardless of whether any such device ever enters interstate or foreign commerce; any person who is in the business of repairing, reconditioning, buying, selling, leasing, using, or making available for use by others gambling devices where such person then sells, ships, or delivers such device with the knowledge that it will enter interstate or foreign commerce; and any person who is in the business of repairing, reconditioning, buying, selling, leasing, using or making available for use by others gambling devices where such person buys or receives any such gambling device with the knowledge that it has been shipped in interstate or foreign commerce.

Any person who is engaged in one or more of the above activities must file certain information with the Attorney General each calendar year in which he/she intends to engage in such business. This means a new registration statement containing all of the required information must be filed each year. Registration can be made after November 30 of the preceding year, and must be made before engaging in any of the aforementioned activities.

The following information must be included in order to comply with the registration requirements:

- 1) The registrant's name and any trade name under which registrant does business; if a company or corporation, the names and titles of the principal officers should also be given;
- 2) The address of each place of business in any state or possession of the United States;
- 3) The address in a state or a possession of the United States where the records required to be kept by this statute may be viewed;
- 4) Each activity, as outlined above, in which registrant intends to engage during the calendar year with respect to which registration is made.

No special registration form is required. A letter addressed to the U.S. Department of Justice, 950 Pennsylvania Avenue NW, Criminal Division, OEO, Gambling Device Registration Unit, JCK Building, Room 1048, Washington, DC 20530-0001, setting forth the above information will be sufficient. Registration can be made by registered or certified mail, or faxed to 202-353-7675. Registration is effective upon receipt of the statement. The Act does not authorize the Department of Justice to issue any certificate or license. Likewise, the Act does not authorize the Department of Justice to grant to anyone any exemptions from its requirements and prohibitions for any reason whatever.

Persons employed by registrants under this Act need not themselves register, so long as their activity with respect to covered devices is confined solely to activity for and on behalf of their registered employer.

In addition, any person who is required to register must keep detailed records on each gambling device acquired, possessed or owned. These records must be kept at the place or places designated in the registration statement. The Department of Justice does not intend to promulgate any form for use in connection with such record keeping, nor does the Department have any preference regarding such record keeping. Any form of record keeping convenient to the registrant and to the nature of the registrant's business will be acceptable to the Department, so long as it includes the following information: a) the identity and source of each device; b) the identification of each device itself; and c) the identity of the purchasers, consignees and

carriers of each device.

A manufacturer who is required to register must fix a permanent serial number to each device manufactured together with the manufacturer's name and trade names and the date of manufacture.

A registrant in possession of gambling devices manufactured prior to the effective date of this statute should affix a serial number thereto if one is not already so affixed, together with registrant's name and trade name, and a statement indicating that the device was manufactured prior to December 17, 1962.

The statute does not prohibit shipment of devices in foreign commerce. Shipments in interstate commerce, however, even though for eventual disposal in foreign commerce, are covered by the Act as are shipments from foreign countries.

The Gambling Devices Act requires that all gambling devices and all packages containing any such, when shipped or transported, be plainly and clearly labeled or marked so that the name and address of the shipper and the consignee and the nature of the article or the contents of the package may be readily ascertained on an inspection of the outside of the article or package (15 U.S.C. 1174). The requirement applies to all shipments of gambling devices in either interstate or foreign commerce.

The Department of Justice will not render advisory opinions as to whether specific devices are covered by the statute; nor will it undertake to answer any inquiries relating to specific situations. Such questions should be directed to private counsel.