## WEST VIRGINIA CODE: §29-22B-1705

## §29-22B-1705. Criminal penalty for possession of video gambling machine.

- (a) After December 31, 2001, any person who has a video gambling machine in their actual or constructive possession in this state is guilty of a felony and, upon conviction thereof, shall for a first conviction be confined in a state correctional facility for a term of not less than one year nor more than three years, and fined not less than \$50,000 nor more than \$100,000, for each video gambling machine in the person's actual or constructive possession in this state, except that, in the case of a person other than an individual, the fine may not be less than \$100,000 nor more than \$500,000 for each video gambling machine in the person's actual or constructive possession in this state.
- (b) For any second or subsequent conviction under this section the person shall be confined in a state correctional facility for a term of not less than two years nor more than five years, and fined not less than \$100,000 nor more than \$500,000, for each video gambling machine in their actual or constructive possession in this state, except that, in the case of a person other than an individual, the fine may not be less than \$500,000 nor more than \$1 million for each video gambling machine in the person's actual or constructive possession in this state.

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