

By: Senator(s) Hewes

To: Finance

SENATE BILL NO. 2751

1 AN ACT TO AMEND SECTIONS 67-1-71, 87-1-5, 97-33-1, 97-33-7,  
2 97-33-17, 97-33-25 AND 97-33-27, MISSISSIPPI CODE OF 1972, TO  
3 CLARIFY THE WATERS UPON WHICH GAMING ABOARD CRUISE VESSELS IS  
4 ALLOWED; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 67-1-71, Mississippi Code of 1972, is  
7 amended as follows:

8 67-1-71. The commission may revoke or suspend any permit  
9 issued by it for a violation by the permittee of any of the  
10 provisions of this chapter or of the regulations promulgated under  
11 it by the commission.

12 Permits must be revoked or suspended for the following  
13 causes:

14 (a) Conviction of the permittee for the violation of  
15 any of the provisions of this chapter;

16 (b) Willful failure or refusal by any permittee to  
17 comply with any of the provisions of this chapter or of any rule  
18 or regulation adopted pursuant thereto;

19 (c) The making of any materially false statement in any  
20 application for a permit;

21 (d) Conviction of one or more of the clerks, agents or  
22 employees of the permittee, of any violation of this chapter upon  
23 the premises covered by such permit within a period of time as  
24 designated by the rules or regulations of the commission;

25 (e) The possession on the premises of any retail  
26 permittee of any alcoholic beverages upon which the tax has not  
27 been paid;

28           (f) The willful failure of any permittee to keep the  
29 records or make the reports required by this chapter, or to allow  
30 an inspection of such records by any duly authorized person;

31           (g) The suspension or revocation of a permit issued to  
32 the permittee by the federal government, or conviction of  
33 violating any federal law relating to alcoholic beverages;

34           (h) The failure to furnish any bond required by this  
35 chapter within fifteen (15) days after notice from the commission;  
36 and

37           (i) The conducting of any form of illegal gambling on  
38 the premises of any permittee or on any premises connected  
39 therewith or the presence on any such premises of any gambling  
40 device with the knowledge of the permittee.

41           The provisions of item (i) of this section shall not apply to  
42 gambling or the presence of any gambling devices, with knowledge  
43 of the permittee, on board a cruise vessel in the waters within  
44 the State of Mississippi, which lie adjacent to the State of  
45 Mississippi south of the three (3) most southern counties in the  
46 State of Mississippi, which are not man-made water bottoms, or  
47 rivers, creeks, bayous or other naturally occurring bodies of  
48 water other than the Back Bay of Biloxi east of Interstate 110,  
49 St. Louis Bay or the Mississippi Sound, or on any vessel as  
50 defined in Section 27-109-1 whenever such vessel is on the  
51 Mississippi River or navigable waters within any county bordering  
52 on the Mississippi River. The commission may, in its discretion,  
53 issue on-premises retailer's permits to a common carrier of the  
54 nature described in this paragraph.

55           No permit shall be revoked except after a hearing by the  
56 commission with reasonable notice to the permittee and an  
57 opportunity for him to appear and defend.

58           In addition to the causes specified in this section and other  
59 provisions of this chapter, the commission shall be authorized to  
60 suspend the permit of any permit holder for being out of

61 compliance with an order for support, as defined in Section  
62 93-11-153. The procedure for suspension of a permit for being out  
63 of compliance with an order for support, and the procedure for the  
64 reissuance or reinstatement of a permit suspended for that  
65 purpose, and the payment of any fees for the reissuance or  
66 reinstatement of a permit suspended for that purpose, shall be  
67 governed by Section 93-11-157 or 93-11-163, as the case may be.  
68 If there is any conflict between any provision of Section  
69 93-11-157 or 93-11-163 and any provision of this chapter, the  
70 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
71 shall control.

72 SECTION 2. Section 87-1-5, Mississippi Code of 1972, is  
73 amended as follows:

74 87-1-5. If any person, by playing at any game whatever, or  
75 by betting on the sides or hands of such as do play at any game,  
76 or by betting on any horse race or cockfight, or at any other  
77 sport or pastime, or by any wager whatever, shall lose any money,  
78 property or other valuable thing, real or personal, and shall pay  
79 or deliver the same or any part thereof, the person so losing and  
80 paying or delivering the same, or his wife or children, may sue  
81 for and recover such money, property or other valuable thing so  
82 lost and paid or delivered, or any part thereof, from the person  
83 knowingly receiving the same, with costs. However, this section  
84 shall not apply to betting, gaming or wagering:

85 (a) On a cruise vessel as defined in Section 27-109-1  
86 whenever such vessel is in the waters within the State of  
87 Mississippi, which lie adjacent to the State of Mississippi south  
88 of the three (3) most southern counties in the State of  
89 Mississippi, which are not man-made water bottoms, or rivers,  
90 creeks, bayous or other naturally occurring bodies of water other  
91 than the Back Bay of Biloxi east of Interstate 110, St. Louis Bay  
92 or the Mississippi Sound;

93 (b) On a vessel as defined in Section 27-109-1 whenever

94 such vessel is on the Mississippi River or navigable waters within  
95 any county bordering on the Mississippi River; or

96 (c) That is legal under the laws of the State of  
97 Mississippi.

98 SECTION 3. Section 97-33-1, Mississippi Code of 1972, is  
99 amended as follows:

100 97-33-1. If any person shall encourage, promote or play at  
101 any game, play or amusement, other than a fight or fighting match  
102 between dogs, for money or other valuable thing, or shall wager or  
103 bet, promote or encourage the wagering or betting of any money or  
104 other valuable things, upon any game, play, amusement, cockfight,  
105 Indian ball play, or duel, other than a fight or fighting match  
106 between dogs, or upon the result of any election, event or  
107 contingency whatever, upon conviction thereof, he shall be fined  
108 in a sum not more than Five Hundred Dollars (\$500.00); and, unless  
109 such fine and costs be immediately paid, shall be imprisoned for  
110 any period not more than ninety (90) days. However, this section  
111 shall not apply to betting, gaming or wagering:

112 (a) On a cruise vessel as defined in Section 27-109-1  
113 whenever such vessel is in the waters within the State of  
114 Mississippi, which lie adjacent to the State of Mississippi south  
115 of the three (3) most southern counties in the State of  
116 Mississippi, which are not man-made water bottoms, or rivers,  
117 creeks, bayous or other naturally occurring bodies of water other  
118 than the Back Bay of Biloxi east of Interstate 110, St. Louis Bay  
119 or the Mississippi Sound, and in which the registered voters of  
120 the county in which the port is located have not voted to prohibit  
121 such betting, gaming or wagering on cruise vessels as provided in  
122 Section 19-3-79;

123 (b) On a vessel as defined in Section 27-109-1 whenever  
124 such vessel is on the Mississippi River or navigable waters within  
125 any county bordering on the Mississippi River, and in which the  
126 registered voters of the county in which the port is located have

127 not voted to prohibit such betting, gaming or wagering on vessels  
128 as provided in Section 19-3-79; or

129 (c) That is legal under the laws of the State of  
130 Mississippi.

131 SECTION 4. Section 97-33-7, Mississippi Code of 1972, is  
132 amended as follows:

133 97-33-7. (1) It shall be unlawful for any person or  
134 persons, firm, copartnership, or corporation to have in  
135 possession, own, control, display, or operate any cane rack, knife  
136 rack, artful dodger, punch board, roll down, merchandise wheel,  
137 slot machine, pinball machine, or similar device or devices.

138 Provided, however, that this section shall not be so construed as  
139 to make unlawful the ownership, possession, control, display or  
140 operation of any antique coin machine as defined in Section  
141 27-27-12, or any music machine or bona fide automatic vending  
142 machine where the purchaser receives exactly the same quantity of  
143 merchandise on each operation of said machine. Any slot machine  
144 other than an antique coin machine as defined in Section 27-27-12  
145 which delivers, or is so constructed as that by operation thereof  
146 it will deliver to the operator thereof anything of value in  
147 varying quantities, in addition to the merchandise received, and  
148 any slot machine other than an antique coin machine as defined in  
149 Section 27-27-12 that is constructed in such manner as that slugs,  
150 tokens, coins or similar devices are, or may be, used and  
151 delivered to the operator thereof in addition to merchandise of  
152 any sort contained in such machine, is hereby declared to be a  
153 gambling device, and shall be deemed unlawful under the provisions  
154 of this section. Provided, however, that pinball machines which  
155 do not return to the operator or player thereof anything but free  
156 additional games or plays shall not be deemed to be gambling  
157 devices, and neither this section nor any other law shall be  
158 construed to prohibit same.

159 (2) No property right shall exist in any person, natural or

160 artificial, or be vested in such person, in any or all of the  
161 devices described herein that are not exempted from the provisions  
162 of this section; and all such devices are hereby declared to be at  
163 all times subject to confiscation and destruction, and their  
164 possession shall be unlawful, except when in the possession of  
165 officers carrying out the provisions of this section. It shall be  
166 the duty of all law-enforcing officers to seize and immediately  
167 destroy all such machines and devices.

168 (3) A first violation of the provisions of this section  
169 shall be deemed a misdemeanor, and the party offending shall, upon  
170 conviction, be fined in any sum not exceeding Five Hundred Dollars  
171 (\$500.00), or imprisoned not exceeding three (3) months, or both,  
172 in the discretion of the court. In the event of a second  
173 conviction for a violation of any of the provisions of this  
174 section, the party offending shall be subject to a sentence of not  
175 less than six (6) months in the county jail, nor more than two (2)  
176 years in the State Penitentiary, in the discretion of the trial  
177 court.

178 (4) Notwithstanding any provision of this section to the  
179 contrary, it shall not be unlawful to operate any equipment or  
180 device described in subsection (1) of this section or any gaming,  
181 gambling or similar device or devices by whatever name called  
182 while:

183 (a) On a cruise vessel as defined in Section 27-109-1  
184 whenever such vessel is in the waters within the State of  
185 Mississippi, which lie adjacent to the State of Mississippi south  
186 of the three (3) most southern counties in the State of  
187 Mississippi, which are not man-made water bottoms, or rivers,  
188 creeks, bayous or other naturally occurring bodies of water other  
189 than the Back Bay of Biloxi east of Interstate 110, St. Louis Bay  
190 or the Mississippi Sound, and in which the registered voters of  
191 the county in which the port is located have not voted to prohibit  
192 such betting, gaming or wagering on cruise vessels as provided in

193 Section 19-3-79;

194 (b) On a vessel as defined in Section 27-109-1 whenever  
195 such vessel is on the Mississippi River or navigable waters within  
196 any county bordering on the Mississippi River, and in which the  
197 registered voters of the county in which the port is located have  
198 not voted to prohibit such betting, gaming or wagering on vessels  
199 as provided in Section 19-3-79; or

200 (c) That is legal under the laws of the State of  
201 Mississippi.

202 (5) Notwithstanding any provision of this section to the  
203 contrary, it shall not be unlawful (a) to own, possess, repair or  
204 control any gambling device, machine or equipment on board any  
205 cruise vessel in this state of not less than one hundred fifty  
206 (150) feet in overall length or vessel in this state of not less  
207 than one hundred fifty (150) feet in overall length or on the  
208 business premises appurtenant to any such cruise vessel or vessel  
209 during any period of time in which such cruise vessel or vessel is  
210 being constructed, repaired, maintained or operated in this state;  
211 (b) to install any gambling device, machine or equipment on board  
212 any cruise vessel in this state of not less than one hundred fifty  
213 (150) feet in overall length or vessel in this state of not less  
214 than one hundred fifty (150) feet in overall length; (c) to  
215 possess or control any gambling device, machine or equipment  
216 during the process of procuring or transporting such device,  
217 machine or equipment for installation on any such cruise vessel or  
218 vessel; or (d) to store in a warehouse or other storage facility  
219 any gambling device, machine, equipment, or part thereof,  
220 regardless of whether the county or municipality in which the  
221 warehouse or storage facility is located has approved gaming  
222 aboard cruise vessels or vessels, provided that such device,  
223 machine or equipment is operated only in a county or municipality  
224 that has approved gaming aboard cruise vessels or vessels. Any  
225 gambling device, machine or equipment that is owned, possessed,

226 controlled, installed, procured, repaired, transported or stored  
227 in accordance with this subsection shall not be subject to  
228 confiscation, seizure or destruction, and any person, firm,  
229 partnership or corporation which owns, possesses, controls,  
230 installs, procures, repairs, transports or stores any gambling  
231 device, machine or equipment in accordance with this subsection  
232 shall not be subject to any prosecution or penalty under this  
233 section. Any person constructing or repairing such cruise vessels  
234 or vessels within a municipality shall comply with all municipal  
235 ordinances protecting the general health or safety of the  
236 residents of the municipality.

237 SECTION 5. Section 97-33-17, Mississippi Code of 1972, is  
238 amended as follows:

239 97-33-17. (1) All monies exhibited for the purpose of  
240 betting or alluring persons to bet at any game, and all monies  
241 staked or betted, shall be liable to seizure by any sheriff,  
242 constable, or police officer, together with all the appliances  
243 used or kept for use in gambling, or by any other person; and all  
244 the monies so seized shall be accounted for by the person making  
245 the seizure, and all appliances seized shall be destroyed;  
246 provided, however, this section shall not apply to betting, gaming  
247 or wagering on:

248 (a) A cruise vessel as defined in Section 27-109-1  
249 whenever such vessel is in the waters within the State of  
250 Mississippi, which lie adjacent to the State of Mississippi south  
251 of the three (3) most southern counties in the State of  
252 Mississippi, which are not man-made water bottoms, or rivers,  
253 creeks, bayous or other naturally occurring bodies of water other  
254 than the Back Bay of Biloxi east of Interstate 110, St. Louis Bay  
255 or the Mississippi Sound, and in which the registered voters of  
256 the county in which the port is located have not voted to prohibit  
257 such betting, gaming or wagering on cruise vessels as provided in  
258 Section 19-3-79;



259           (b) A vessel as defined in Section 27-109-1 whenever  
260 such vessel is on the Mississippi River or navigable waters within  
261 any county bordering on the Mississippi River, and in which the  
262 registered voters of the county in which the port is located have  
263 not voted to prohibit such betting, gaming or wagering on vessels  
264 as provided in Section 19-3-79; or

265           (c) That is legal under the laws of the State of  
266 Mississippi.

267           (2) Nothing in this section shall apply to any gambling  
268 device, machine or equipment that is owned, possessed, controlled,  
269 installed, procured, repaired or transported in accordance with  
270 subsection (4) of Section 97-33-7.

271           SECTION 6. Section 97-33-25, Mississippi Code of 1972, is  
272 amended as follows:

273           97-33-25. If any person shall sell or buy, either directly  
274 or indirectly, any chance in what is commonly called pool, upon  
275 any event whatever, or shall in any manner engage in such business  
276 or pastime, he shall be fined not more than Five Hundred Dollars  
277 (\$500.00) or shall be imprisoned in the county jail not more than  
278 ninety (90) days; provided, however, this section shall not apply  
279 to betting, gaming or wagering:

280           (a) On a cruise vessel as defined in Section 27-109-1  
281 whenever such vessel is in the waters within the State of  
282 Mississippi, which lie adjacent to the State of Mississippi south  
283 of the three (3) most southern counties in the State of  
284 Mississippi, which are not man-made water bottoms, or rivers,  
285 creeks, bayous or other naturally occurring bodies of water other  
286 than the Back Bay of Biloxi east of Interstate 110, St. Louis Bay  
287 or the Mississippi Sound, and in which the registered voters of  
288 the county in which the port is located have not voted to prohibit  
289 such betting, gaming or wagering on cruise vessels as provided in  
290 Section 19-3-79;

291           (b) On a vessel as defined in Section 27-109-1 whenever

292 such vessel is on the Mississippi River or navigable waters within  
293 any county bordering on the Mississippi River, and in which the  
294 registered voters of the county in which the port is located have  
295 not voted to prohibit such betting, gaming or wagering on vessels  
296 as provided in Section 19-3-79; or

297 (c) That is legal under the laws of the State of  
298 Mississippi.

299 SECTION 7. Section 97-33-27, Mississippi Code of 1972, is  
300 amended as follows:

301 97-33-27. If any person shall bet on a horse race or a yacht  
302 race or on a shooting match, he shall be fined not more than Five  
303 Hundred Dollars (\$500.00), and, unless the fine and costs be  
304 immediately paid, he shall be imprisoned in the county jail not  
305 more than ninety (90) days; provided, however, this section shall  
306 not apply to betting, gaming or wagering:

307 (a) On a cruise vessel as defined in Section 27-109-1  
308 whenever such vessel is in the waters within the State of  
309 Mississippi, which lie adjacent to the State of Mississippi south  
310 of the three (3) most southern counties in the State of  
311 Mississippi, which are not man-made water bottoms, or rivers,  
312 creeks, bayous or other naturally occurring bodies of water other  
313 than the Back Bay of Biloxi east of Interstate 110, St. Louis Bay  
314 or the Mississippi Sound, and in which the registered voters of  
315 the county in which the port is located have not voted to prohibit  
316 such betting, gaming or wagering on cruise vessels as provided in  
317 Section 19-3-79;

318 (b) On a vessel as defined in Section 27-109-1 whenever  
319 such vessel is on the Mississippi River or navigable waters within  
320 any county bordering on the Mississippi River, and in which the  
321 registered voters of the county in which the port is located have  
322 not voted to prohibit such betting, gaming or wagering on vessels  
323 as provided in Section 19-3-79; or

324 (c) That is legal under the laws of the State of

325 Mississippi.

326 SECTION 8. This act shall take effect and be in force from  
327 and after its passage.