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**AMENDMENT No. 2 PROPOSED TO**

**House Bill NO. 997**

**By Senator(s) Burton**

1           **AMEND** by inserting the following after line 11 and by  
2 **renumbering subsequent sections accordingly:**

3           SECTION 1. Section 97-33-75, Mississippi Code of 1972, is  
4 amended as follows:

5           97-33-75. (1) Any person, association or corporation  
6 violating any provision of Sections 97-33-51 through 97-33-203 or  
7 any rule or regulation of the commission shall be subject to a  
8 fine imposed by the commission and to suspension or revocation of  
9 its license. Additionally, criminal sanctions may be pursued  
10 under this section against any such person.

11           (2) Any person who commits any of the following acts, upon  
12 conviction, shall be fined not more than Five Thousand Dollars  
13 (\$5,000.00) or imprisoned for not less than one (1) year nor more  
14 than three (3) years in the State Penitentiary, or both:

15           (a) Making any false statement in any application for a  
16 license under Sections 97-33-51 through 97-33-203, or in any  
17 official report to the commission;

18           (b) Holding, operating or conducting any bingo game  
19 without a license;

20           (c) Knowingly falsifying or making any false entry in  
21 any books or records, with respect to any transaction connected  
22 with the holding, operating or conducting of any bingo game;

23           (d) Refusing to allow the commission access to any

24 premises where a game of chance is being conducted or to any book,  
25 record or document relating to such conduct;

26 (e) Intentionally causing, aiding, abetting or  
27 conspiring with another to cause any person to violate any  
28 provision of Sections 97-33-51 through 97-33-203;

29 (f) Possessing, displaying, selling or otherwise  
30 furnishing to any person any pull-tabs, except as provided for in  
31 Section 97-33-77;

32 (g) Using net proceeds from a bingo game for purposes  
33 other than which the charitable organization was created, except  
34 as otherwise provided in Sections 97-33-51 through 97-33-203;

35 (h) Distributing charitable proceeds outside of the  
36 State of Mississippi without the written approval of the  
37 commission.

38 (3) Any person who violates any other provision of Sections  
39 97-33-51 through 97-33-203 that is not listed in this section may  
40 be imprisoned for not more than six (6) months or fined not more  
41 than Five Hundred Dollars (\$500.00), or both.

42 (4) Any conviction of any person pursuant to subsections (2)  
43 and (3) of this section shall constitute cause for revocation of  
44 the license of such person or the organization with which such  
45 person is affiliated.

46 SECTION 2. Section 97-33-109, Mississippi Code of 1972, is  
47 amended as follows:

48 97-33-109. (1) The commission shall monitor the conduct or  
49 business of licensees, both on a routine scheduled and an  
50 unscheduled basis, to the extent necessary to ensure compliance  
51 with the provisions of charitable bingo game laws and regulations  
52 of the state.

53 (2) In carrying out its enforcement responsibilities, the  
54 commission may:

55 (a) Inspect and examine all premises in which  
56 charitable bingo games are conducted or supplies or equipment for

57 such games are manufactured and distributed;

58 (b) Inspect all such supplies and equipment in, upon or  
59 about such premises;

60 (c) Seize and remove from such premises and impound  
61 such supplies and equipment for the purpose of examination and  
62 inspection pursuant to an appropriate court order;

63 (d) Demand access to and audit and inspect all bingo  
64 and charity accounts and other books and records of licensees only  
65 for the purpose of determining compliance with laws and  
66 regulations relative to charitable bingo games;

67 (e) Conduct in-depth audits and investigations; and

68 (f) Mandate that internal controls be executed in  
69 accordance with the provisions of the Charitable Bingo Law and  
70 other applicable laws and regulations.

71 (3) The commission shall require licensees to maintain  
72 records and submit reports.

73 (4) In addition to license revocation or suspension or any  
74 criminal penalty imposed, the commission may assess a fine against  
75 any person who violates any law or regulation relative to  
76 charitable bingo games. Such a fine shall only be assessed after  
77 notice and an opportunity for a hearing to be held.

78 (5) All departments, commissions, boards, agencies, officers  
79 and institutions of the state, and all subdivisions thereof, shall  
80 cooperate with the commission in carrying out its enforcement  
81 responsibilities.

82 (6) The Attorney General shall be the attorney for the  
83 commission in regard to its duties to regulate the Charitable  
84 Bingo Law and he shall represent it in all legal proceedings and  
85 shall prosecute any civil action for a violation of the provisions  
86 of Sections 97-33-51 through 97-33-203 or the rules and  
87 regulations of the commission.

88 (7) It is the duty of the sheriffs, deputy sheriffs and  
89 police officers of this state to assist the commission in the

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90 enforcement of the provisions of Sections 97-33-51 through  
91 97-33-203 and to arrest and complain against any person violating  
92 the provisions of Sections 97-33-51 through 97-33-203. It is the  
93 duty of the district attorneys of this state to prosecute all  
94 violations of the provisions of Sections 97-33-51 through  
95 97-33-203 if requested to do so by the commission.

96 (8) (a) Whenever any person who is a resident of the State  
97 of Mississippi has reason to believe that a person or organization  
98 is or has violated the provisions of Sections 97-33-51 through  
99 97-33-203 and that proceedings would be in the public interest, he  
100 may bring an action in the name of the state against such person  
101 to restrain by temporary or permanent injunction such violation,  
102 upon at least five (5) days' summons before the hearing of the  
103 action. The action shall be brought in the chancery or county  
104 court of the county in which such violation has occurred or, with  
105 consent of the parties, may be brought in the chancery or county  
106 court of the county in which the State Capitol is located. The  
107 said courts are authorized to issue temporary or permanent  
108 injunctions to restrain and prevent violations of Sections  
109 97-33-51 through 97-33-203, and such injunctions shall be issued  
110 without bond.

111 (b) Any person who violates the terms of an injunction  
112 issued under this subsection shall forfeit and pay to the state a  
113 civil penalty of not more than Five Thousand Dollars (\$5,000.00)  
114 per violation which shall be payable to the General Fund of the  
115 State of Mississippi. For the purposes of this subsection, the  
116 chancery or county court issuing an injunction shall retain  
117 jurisdiction, and the cause shall be continued, and in such cases  
118 the person bringing the action may petition for recovery of civil  
119 penalties.

120 (c) In any action brought under this subsection, if the  
121 court finds that a person is willfully violating the provisions of  
122 Sections 97-33-51 through 97-33-203, the person bringing the

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123 action, upon petition to the court, may recover on behalf of the  
124 state a civil penalty of not exceeding Five Hundred Dollars  
125 (\$500.00) per violation which shall be payable to the General Fund  
126 of the State of Mississippi.

127 (d) No penalty authorized by this subsection shall be  
128 deemed to limit the court's powers to insure compliance with its  
129 orders, decrees and judgments, or punish for the violations  
130 thereof.

131 (e) For purposes of this subsection, a willful  
132 violation occurs when the party committing the violation knew or  
133 should have known that his conduct was a violation of the  
134 provisions of Sections 97-33-51 through 97-33-203.

135 **FURTHER, AMEND the title to conform.**