

By: Robinson (84th)

To: Ways and Means

HOUSE BILL NO. 203

1 AN ACT TO AMEND SECTION 97-33-7, MISSISSIPPI CODE OF 1972,
2 WHICH DEFINES UNLAWFUL GAMBLING DEVICES, TO INCLUDE VIDEO POKER
3 MACHINES, COMPUTER GAMING DEVICES AND ELECTRONIC GAMING DEVICES IN
4 THAT DEFINITION; TO SWITCH SUBSECTIONS (4) AND (5) OF SECTION
5 97-33-7 TO CORRECT THE INACCURATE SUBSECTION REFERENCE TO SECTION
6 97-33-7(4), FOUND IN SECTIONS 21-19-33, 95-3-25, 97-33-9 AND
7 97-33-17, WHERE IT IS INTENDED TO REFER TO THE LANGUAGE CONTAINED
8 IN WHAT IS NOW DESIGNATED INCORRECTLY AS SECTION 97-33-7(5); AND
9 FOR RELATED PURPOSES.

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

11 SECTION 1. Section 97-33-7, Mississippi Code of 1972, is
12 amended as follows:

13 97-33-7. (1) It shall be unlawful for any person or
14 persons, firm, copartnership, or corporation to have in
15 possession, own, control, display, or operate any cane rack, knife
16 rack, artful dodger, punch board, roll down, merchandise wheel,
17 slot machine, pinball machine, video poker machine, computer
18 gaming device, electronic gaming device or similar device or
19 devices. Provided, however, that this section shall not be so
20 construed as to make unlawful the ownership, possession, control,
21 display or operation of any antique coin machine as defined in
22 Section 27-27-12, or any music machine or bona fide automatic
23 vending machine where the purchaser receives exactly the same
24 quantity of merchandise on each operation of said machine. Any

25 slot machine other than an antique coin machine as defined in
26 Section 27-27-12 which delivers, or is so constructed as that by
27 operation thereof it will deliver to the operator thereof anything
28 of value in varying quantities, in addition to the merchandise
29 received, and any slot machine other than an antique coin machine
30 as defined in Section 27-27-12 that is constructed in such manner
31 as that slugs, tokens, coins or similar devices are, or may be,
32 used and delivered to the operator thereof in addition to
33 merchandise of any sort contained in such machine, is hereby
34 declared to be a gambling device, and shall be deemed unlawful
35 under the provisions of this section. Provided, however, that
36 pinball machines which do not return to the operator or player
37 thereof anything but free additional games or plays shall not be
38 deemed to be gambling devices, and neither this section nor any
39 other law shall be construed to prohibit same.

40 (2) No property right shall exist in any person, natural or
41 artificial, or be vested in such person, in any or all of the
42 devices described herein that are not exempted from the provisions
43 of this section; and all such devices are hereby declared to be at
44 all times subject to confiscation and destruction, and their
45 possession shall be unlawful, except when in the possession of
46 officers carrying out the provisions of this section. It shall be
47 the duty of all law-enforcing officers to seize and immediately
48 destroy all such machines and devices.

49 (3) A first violation of the provisions of this section
50 shall be deemed a misdemeanor, and the party offending * * *, upon
51 conviction, shall be fined * * * Five Hundred Dollars (\$500.00),
52 or imprisoned not exceeding three (3) months, or both, in the
53 discretion of the court. In the event of a second conviction for
54 a violation of any of the provisions of this section, the party
55 offending shall be fined Two Thousand Dollars (\$2,000.00) and

56 sentenced to not less than six (6) months in the county jail, nor
57 more than two (2) years in the State Penitentiary * * *.

58 (4) Notwithstanding any provision of this section to the
59 contrary, it shall not be unlawful (a) to own, possess, repair or
60 control any gambling device, machine or equipment on board any
61 cruise vessel in this state of not less than one hundred fifty
62 (150) feet in overall length or vessel in this state of not less
63 than one hundred fifty (150) feet in overall length or on the
64 business premises appurtenant to any such cruise vessel or vessel
65 during any period of time in which such cruise vessel or vessel is
66 being constructed, repaired, maintained or operated in this state;
67 (b) to install any gambling device, machine or equipment on board
68 any cruise vessel in this state of not less than one hundred fifty
69 (150) feet in overall length or vessel in this state of not less
70 than one hundred fifty (150) feet in overall length; (c) to
71 possess or control any gambling device, machine or equipment
72 during the process of procuring or transporting such device,
73 machine or equipment for installation on any such cruise vessel or
74 vessel; or (d) to store in a warehouse or other storage facility
75 any gambling device, machine, equipment, or part thereof,
76 regardless of whether the county or municipality in which the
77 warehouse or storage facility is located has approved gaming
78 aboard cruise vessels or vessels, provided that such device,
79 machine or equipment is operated only in a county or municipality
80 that has approved gaming aboard cruise vessels or vessels. Any
81 gambling device, machine or equipment that is owned, possessed,
82 controlled, installed, procured, repaired, transported or stored
83 in accordance with this subsection shall not be subject to

84 confiscation, seizure or destruction, and any person, firm,
85 partnership or corporation which owns, possesses, controls,
86 installs, procures, repairs, transports or stores any gambling
87 device, machine or equipment in accordance with this subsection
88 shall not be subject to any prosecution or penalty under this
89 section. Any person constructing or repairing such cruise vessels
90 or vessels within a municipality shall comply with all municipal
91 ordinances protecting the general health or safety of the
92 residents of the municipality.

93 (5) Notwithstanding any provision of this section to the
94 contrary, it shall not be unlawful to operate any equipment or
95 device described in subsection (1) of this section or any gaming,
96 gambling or similar device or devices by whatever name
97 called * * *:

98 (a) While on a cruise vessel as defined in Section
99 27-109-1 whenever such vessel is in the waters within the State of
100 Mississippi, which lie adjacent to the State of Mississippi south
101 of the three (3) most southern counties in the State of
102 Mississippi, and in which the registered voters of the county in
103 which the port is located have not voted to prohibit such betting,
104 gaming or wagering on cruise vessels as provided in Section
105 19-3-79;

106 (b) While on a vessel as defined in Section 27-109-1
107 whenever such vessel is on the Mississippi River or navigable
108 waters within any county bordering on the Mississippi River, and
109 in which the registered voters of the county in which the port is
110 located have not voted to prohibit such betting, gaming or
111 wagering on vessels as provided in Section 19-3-79; or

112 (c) That is legal under the laws of the State of
113 Mississippi.

114 SECTION 2. This act shall take effect and be in force from
115 and after July 1, 2000.