

By: Hewes

To: Finance

SENATE BILL NO. 2199

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.