

By: Hewes

To: Finance

SENATE BILL NO. 2958

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,

44 (a) On board a cruise vessel in the waters within the
45 State of Mississippi, which lie adjacent to the State of
46 Mississippi south of the three (3) most southern counties in the
47 State of Mississippi, which are not man-made water bottoms, or
48 rivers, creeks, bayous or other naturally occurring bodies of
49 water other than:

50 (i) The Back Bay of Biloxi east of a straight line
51 drawn from the point at which the western city limits of the City
52 of D'Iberville intersect the north shore of the Back Bay of Biloxi
53 to the point at which Interstate I-110 crosses the south shore of
54 the Back Bay of Biloxi;

55 (ii) St. Louis Bay; or

56 (iii) The Mississippi Sound; or

57 (b) On any vessel as defined in Section 27-109-1
58 whenever such vessel is on the Mississippi River or navigable
59 waters within any county bordering on the Mississippi River.

60 The commission may, in its discretion, issue on-premises

61 retailer's permits to a common carrier of the nature described in
62 this paragraph.

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

66 In addition to the causes specified in this section and other
67 provisions of this chapter, the commission shall be authorized to
68 suspend the permit of any permit holder for being out of
69 compliance with an order for support, as defined in Section
70 93-11-153. The procedure for suspension of a permit for being out
71 of compliance with an order for support, and the procedure for the
72 reissuance or reinstatement of a permit suspended for that
73 purpose, and the payment of any fees for the reissuance or
74 reinstatement of a permit suspended for that purpose, shall be
75 governed by Section 93-11-157 or 93-11-163, as the case may be.
76 If there is any conflict between any provision of Section
77 93-11-157 or 93-11-163 and any provision of this chapter, the
78 provisions of Section 93-11-157 or 93-11-163, as the case may be,
79 shall control.

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

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

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

94 whenever such vessel is in the waters within the State of
95 Mississippi, which lie adjacent to the State of Mississippi south
96 of the three (3) most southern counties in the State of
97 Mississippi, which are not man-made water bottoms, or rivers,
98 creeks, bayous or other naturally occurring bodies of water other
99 than:

100 (i) The Back Bay of Biloxi east of a straight line
101 drawn from the point at which the western city limits of the City
102 of D'Iberville intersect the north shore of the Back Bay of Biloxi
103 to the point at which Interstate I-110 crosses the south shore of
104 the Back Bay of Biloxi;

105 (ii) St. Louis Bay; or

106 (iii) The Mississippi Sound;

107 (b) On a vessel as defined in Section 27-109-1 whenever
108 such vessel is on the Mississippi River or navigable waters within
109 any county bordering on the Mississippi River; or

110 (c) That is legal under the laws of the State of
111 Mississippi.

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

114 97-33-1. If any person shall encourage, promote or play at
115 any game, play or amusement, other than a fight or fighting match
116 between dogs, for money or other valuable thing, or shall wager or
117 bet, promote or encourage the wagering or betting of any money or
118 other valuable things, upon any game, play, amusement, cockfight,
119 Indian ball play, or duel, other than a fight or fighting match
120 between dogs, or upon the result of any election, event or
121 contingency whatever, upon conviction thereof, he shall be fined
122 in a sum not more than Five Hundred Dollars (\$500.00); and, unless
123 such fine and costs be immediately paid, shall be imprisoned for
124 any period not more than ninety (90) days. However, this section
125 shall not apply to betting, gaming or wagering:

126 (a) On a cruise vessel as defined in Section 27-109-1

127 whenever such vessel is in the waters within the State of
128 Mississippi, which lie adjacent to the State of Mississippi south
129 of the three (3) most southern counties in the State of
130 Mississippi, which are not man-made water bottoms, or rivers,
131 creeks, bayous or other naturally occurring bodies of water other
132 than (i) the Back Bay of Biloxi east of a straight line drawn from
133 the point at which the western city limits of the City of
134 D'Iberville intersect the north shore of the Back Bay of Biloxi to
135 the point at which Interstate I-110 crosses the south shore of the
136 Back Bay of Biloxi, (ii) St. Louis Bay, or (iii) the Mississippi
137 Sound, and in which the registered voters of the county in which
138 the port is located have not voted to prohibit such betting,
139 gaming or wagering on cruise vessels as provided in Section
140 19-3-79;

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

147 (c) That is legal under the laws of the State of
148 Mississippi.

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

151 97-33-7. (1) It shall be unlawful for any person or
152 persons, firm, copartnership, or corporation to have in
153 possession, own, control, display, or operate any cane rack, knife
154 rack, artful dodger, punch board, roll down, merchandise wheel,
155 slot machine, pinball machine, or similar device or devices.
156 Provided, however, that this section shall not be so construed as
157 to make unlawful the ownership, possession, control, display or
158 operation of any antique coin machine as defined in Section
159 27-27-12, or any music machine or bona fide automatic vending

160 machine where the purchaser receives exactly the same quantity of
161 merchandise on each operation of said machine. Any slot machine
162 other than an antique coin machine as defined in Section 27-27-12
163 which delivers, or is so constructed as that by operation thereof
164 it will deliver to the operator thereof anything of value in
165 varying quantities, in addition to the merchandise received, and
166 any slot machine other than an antique coin machine as defined in
167 Section 27-27-12 that is constructed in such manner as that slugs,
168 tokens, coins or similar devices are, or may be, used and
169 delivered to the operator thereof in addition to merchandise of
170 any sort contained in such machine, is hereby declared to be a
171 gambling device, and shall be deemed unlawful under the provisions
172 of this section. Provided, however, that pinball machines which
173 do not return to the operator or player thereof anything but free
174 additional games or plays shall not be deemed to be gambling
175 devices, and neither this section nor any other law shall be
176 construed to prohibit same.

177 (2) No property right shall exist in any person, natural or
178 artificial, or be vested in such person, in any or all of the
179 devices described herein that are not exempted from the provisions
180 of this section; and all such devices are hereby declared to be at
181 all times subject to confiscation and destruction, and their
182 possession shall be unlawful, except when in the possession of
183 officers carrying out the provisions of this section. It shall be
184 the duty of all law-enforcing officers to seize and immediately
185 destroy all such machines and devices.

186 (3) A first violation of the provisions of this section
187 shall be deemed a misdemeanor, and the party offending shall, upon
188 conviction, be fined in any sum not exceeding Five Hundred Dollars
189 (\$500.00), or imprisoned not exceeding three (3) months, or both,
190 in the discretion of the court. In the event of a second
191 conviction for a violation of any of the provisions of this
192 section, the party offending shall be subject to a sentence of not

193 less than six (6) months in the county jail, nor more than two (2)
194 years in the State Penitentiary, in the discretion of the trial
195 court.

196 (4) Notwithstanding any provision of this section to the
197 contrary, it shall not be unlawful to operate any equipment or
198 device described in subsection (1) of this section or any gaming,
199 gambling or similar device or devices by whatever name called
200 while:

201 (a) On a cruise vessel as defined in Section 27-109-1
202 whenever such vessel is in the waters within the State of
203 Mississippi, which lie adjacent to the State of Mississippi south
204 of the three (3) most southern counties in the State of
205 Mississippi, which are not man-made water bottoms, or rivers,
206 creeks, bayous or other naturally occurring bodies of water other
207 than (i) the Back Bay of Biloxi east of a straight line drawn from
208 the point at which the western city limits of the City of
209 D'Iberville intersect the north shore of the Back Bay of Biloxi to
210 the point at which Interstate I-110 crosses the south shore of the
211 Back Bay of Biloxi, (ii) St. Louis Bay, or (iii) the Mississippi
212 Sound, and in which the registered voters of the county in which
213 the port is located have not voted to prohibit such betting,
214 gaming or wagering on cruise vessels as provided in Section
215 19-3-79;

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

222 (c) That is legal under the laws of the State of
223 Mississippi.

224 (5) Notwithstanding any provision of this section to the
225 contrary, it shall not be unlawful (a) to own, possess, repair or

226 control any gambling device, machine or equipment on board any
227 cruise vessel in this state of not less than one hundred fifty
228 (150) feet in overall length or vessel in this state of not less
229 than one hundred fifty (150) feet in overall length or on the
230 business premises appurtenant to any such cruise vessel or vessel
231 during any period of time in which such cruise vessel or vessel is
232 being constructed, repaired, maintained or operated in this state;
233 (b) to install any gambling device, machine or equipment on board
234 any cruise vessel in this state of not less than one hundred fifty
235 (150) feet in overall length or vessel in this state of not less
236 than one hundred fifty (150) feet in overall length; (c) to
237 possess or control any gambling device, machine or equipment
238 during the process of procuring or transporting such device,
239 machine or equipment for installation on any such cruise vessel or
240 vessel; or (d) to store in a warehouse or other storage facility
241 any gambling device, machine, equipment, or part thereof,
242 regardless of whether the county or municipality in which the
243 warehouse or storage facility is located has approved gaming
244 aboard cruise vessels or vessels, provided that such device,
245 machine or equipment is operated only in a county or municipality
246 that has approved gaming aboard cruise vessels or vessels. Any
247 gambling device, machine or equipment that is owned, possessed,
248 controlled, installed, procured, repaired, transported or stored
249 in accordance with this subsection shall not be subject to
250 confiscation, seizure or destruction, and any person, firm,
251 partnership or corporation which owns, possesses, controls,
252 installs, procures, repairs, transports or stores any gambling
253 device, machine or equipment in accordance with this subsection
254 shall not be subject to any prosecution or penalty under this
255 section. Any person constructing or repairing such cruise vessels
256 or vessels within a municipality shall comply with all municipal
257 ordinances protecting the general health or safety of the
258 residents of the municipality.

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

261 97-33-17. (1) All monies exhibited for the purpose of
262 betting or alluring persons to bet at any game, and all monies
263 staked or betted, shall be liable to seizure by any sheriff,
264 constable, or police officer, together with all the appliances
265 used or kept for use in gambling, or by any other person; and all
266 the monies so seized shall be accounted for by the person making
267 the seizure, and all appliances seized shall be destroyed;
268 provided, however, this section shall not apply to betting, gaming
269 or wagering on:

270 (a) A cruise vessel as defined in Section 27-109-1
271 whenever such vessel is in the waters within the State of
272 Mississippi, which lie adjacent to the State of Mississippi south
273 of the three (3) most southern counties in the State of
274 Mississippi, which are not man-made water bottoms, or rivers,
275 creeks, bayous or other naturally occurring bodies of water other
276 than (i) the Back Bay of Biloxi east of a straight line drawn from
277 the point at which the western city limits of the City of
278 D'Iberville intersect the north shore of the Back Bay of Biloxi to
279 the point at which Interstate I-110 crosses the south shore of the
280 Back Bay of Biloxi, (ii) St. Louis Bay, or (iii) the Mississippi
281 Sound, and in which the registered voters of the county in which
282 the port is located have not voted to prohibit such betting,
283 gaming or wagering on cruise vessels as provided in Section
284 19-3-79;

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

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

292 Mississippi.

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

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

299 97-33-25. If any person shall sell or buy, either directly
300 or indirectly, any chance in what is commonly called pool, upon
301 any event whatever, or shall in any manner engage in such business
302 or pastime, he shall be fined not more than Five Hundred Dollars
303 (\$500.00) or shall be imprisoned in the county jail not more than
304 ninety (90) days; provided, however, this section shall not apply
305 to betting, gaming or wagering:

306 (a) On a cruise vessel as defined in Section 27-109-1
307 whenever such vessel is in the waters within the State of
308 Mississippi, which lie adjacent to the State of Mississippi south
309 of the three (3) most southern counties in the State of
310 Mississippi, which are not man-made water bottoms, or rivers,
311 creeks, bayous or other naturally occurring bodies of water other
312 than (i) the Back Bay of Biloxi east of a straight line drawn from
313 the point at which the western city limits of the City of
314 D'Iberville intersect the north shore of the Back Bay of Biloxi to
315 the point at which Interstate I-110 crosses the south shore of the
316 Back Bay of Biloxi, (ii) St. Louis Bay, or (iii) the Mississippi
317 Sound, and in which the registered voters of the county in which
318 the port is located have not voted to prohibit such betting,
319 gaming or wagering on cruise vessels as provided in Section
320 19-3-79;

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

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

327 (c) That is legal under the laws of the State of
328 Mississippi.

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

331 97-33-27. If any person shall bet on a horse race or a yacht
332 race or on a shooting match, he shall be fined not more than Five
333 Hundred Dollars (\$500.00), and, unless the fine and costs be
334 immediately paid, he shall be imprisoned in the county jail not
335 more than ninety (90) days; provided, however, this section shall
336 not apply to betting, gaming or wagering:

337 (a) On a cruise vessel as defined in Section 27-109-1
338 whenever such vessel is in the waters within the State of
339 Mississippi, which lie adjacent to the State of Mississippi south
340 of the three (3) most southern counties in the State of
341 Mississippi, which are not man-made water bottoms, or rivers,
342 creeks, bayous or other naturally occurring bodies of water other
343 than (i) the Back Bay of Biloxi east of a straight line drawn from
344 the point at which the western city limits of the City of
345 D'Iberville intersect the north shore of the Back Bay of Biloxi to
346 the point at which Interstate I-110 crosses the south shore of the
347 Back Bay of Biloxi, (ii) St. Louis Bay, or (iii) the Mississippi
348 Sound, and in which the registered voters of the county in which
349 the port is located have not voted to prohibit such betting,
350 gaming or wagering on cruise vessels as provided in Section
351 19-3-79;

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

358 (c) That is legal under the laws of the State of
359 Mississippi.

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