

By: Representative Robinson (84th)

To: Ways and Means

HOUSE BILL NO. 405

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, 2001.

