HOUSE BILL NO. 405

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

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

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

97-33-7. (1) It shall be unlawful for any person or persons, firm, copartnership, or corporation to have in possession, own, control, display, or operate any cane rack, knife rack, artful dodger, punch board, roll down, merchandise wheel, slot machine, pinball machine, video poker machine, computer gaming device, electronic gaming device or similar device or devices. Provided, however, that this section shall not be so construed as to make unlawful the ownership, possession, control, display or operation of any antique coin machine as defined in Section 27-27-12, or any music machine or bona fide automatic vending machine where the purchaser receives exactly the same quantity of merchandise on each operation of said machine. Any slot machine other than an antique coin machine as defined in Section 27-27-12 which delivers, or is so constructed as that by operation thereof it will deliver to the operator thereof anything of value in varying quantities, in addition to the merchandise received, and any slot machine other than an antique coin machine as defined in Section 27-27-12 that is constructed in such manner...
as that slugs, tokens, coins or similar devices are, or may be, used and delivered to the operator thereof in addition to merchandise of any sort contained in such machine, is hereby declared to be a gambling device, and shall be deemed unlawful under the provisions of this section. Provided, however, that pinball machines which do not return to the operator or player thereof anything but free additional games or plays shall not be deemed to be gambling devices, and neither this section nor any other law shall be construed to prohibit same.

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

(3) A first violation of the provisions of this section shall be deemed a misdemeanor, and the party offending upon conviction, shall be fined Five Hundred Dollars ($500.00), or imprisoned not exceeding three (3) months, or both, in the discretion of the court. In the event of a second conviction for a violation of any of the provisions of this section, the party offending shall be fined Two Thousand Dollars ($2,000.00) and sentenced to not less than six (6) months in the county jail, nor more than two (2) years in the State Penitentiary.

(4) Notwithstanding any provision of this section to the contrary, it shall not be unlawful (a) to own, possess, repair or control any gambling device, machine or equipment on board any cruise vessel in this state of not less than one hundred fifty (150) feet in overall length or vessel in this state of not less than one hundred fifty (150) feet in overall length or on the
business premises appurtenant to any such cruise vessel or vessel during any period of time in which such cruise vessel or vessel is being constructed, repaired, maintained or operated in this state; (b) to install any gambling device, machine or equipment on board any cruise vessel in this state of not less than one hundred fifty (150) feet in overall length or vessel in this state of not less than one hundred fifty (150) feet in overall length; (c) to possess or control any gambling device, machine or equipment during the process of procuring or transporting such device, machine or equipment for installation on any such cruise vessel or vessel; or (d) to store in a warehouse or other storage facility any gambling device, machine, equipment, or part thereof, regardless of whether the county or municipality in which the warehouse or storage facility is located has approved gaming aboard cruise vessels or vessels, provided that such device, machine or equipment is operated only in a county or municipality that has approved gaming aboard cruise vessels or vessels. Any gambling device, machine or equipment that is owned, possessed, controlled, installed, procured, repaired, transported or stored in accordance with this subsection shall not be subject to confiscation, seizure or destruction, and any person, firm, partnership or corporation which owns, possesses, controls, installs, procures, repairs, transports or stores any gambling device, machine or equipment in accordance with this subsection shall not be subject to any prosecution or penalty under this section. Any person constructing or repairing such cruise vessels or vessels within a municipality shall comply with all municipal ordinances protecting the general health or safety of the residents of the municipality.

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

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

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

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.