

By: Representative McBride

To: Judiciary B

HOUSE BILL NO. 1165

1 AN ACT TO AMEND SECTION 97-33-7, MISSISSIPPI CODE OF 1972, TO
2 EXCLUDE FROM THE DEFINITION OF GAMING DEVICES CERTAIN AMUSEMENT
3 MACHINES DISPENSING COUPONS REDEEMABLE FOR MERCHANDISE OF NOMINAL
4 VALUE; AND FOR RELATED PURPOSES.

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

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

8 97-33-7. (1) It shall be unlawful for any person or
9 persons, firm, copartnership, or corporation to have in
10 possession, own, control, display, or operate any cane rack, knife
11 rack, artful dodger, punch board, roll down, merchandise wheel,
12 slot machine, pinball machine, or similar device or devices.
13 Provided, however, that this section shall not be so construed as
14 to make unlawful the ownership, possession, control, display or
15 operation of any antique coin machine as defined in Section
16 27-27-12, or any music machine or bona fide automatic vending
17 machine where the purchaser receives exactly the same quantity of
18 merchandise on each operation of said machine, or devices operated
19 for amusement purposes which may dispense coupons redeemable for
20 merchandise of nominal value which may not exceed a wholesale
21 value of Forty Dollars (\$40.00). Any slot machine other than an
22 antique coin machine as defined in Section 27-27-12 which
23 delivers, or is so constructed as that by operation thereof it
24 will deliver to the operator thereof anything of value in varying
25 quantities, in addition to the merchandise received, and any slot
26 machine other than an antique coin machine as defined in Section
27 27-27-12 that is constructed in such manner as that slugs, tokens,
28 coins or similar devices are, or may be, used and delivered to the



29 operator thereof in addition to merchandise of any sort contained
30 in such machine, is hereby declared to be a gambling device, and
31 shall be deemed unlawful under the provisions of this section.
32 Provided, however, that pinball machines which do not return to
33 the operator or player thereof anything but free additional games
34 or plays shall not be deemed to be gambling devices, and neither
35 this section nor any other law shall be construed to prohibit
36 same.

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

46 (3) A first violation of the provisions of this section
47 shall be deemed a misdemeanor, and the party offending shall, upon
48 conviction, be fined in any sum not exceeding Five Hundred Dollars
49 (\$500.00), or imprisoned not exceeding three (3) months, or both,
50 in the discretion of the court. In the event of a second
51 conviction for a violation of any of the provisions of this
52 section, the party offending shall be subject to a sentence of not
53 less than six (6) months in the county jail, nor more than two (2)
54 years in the State Penitentiary, in the discretion of the trial
55 court.

56 (4) Notwithstanding any provision of this section to the
57 contrary, it shall not be unlawful to operate any equipment or
58 device described in subsection (1) of this section or any gaming,
59 gambling or similar device or devices by whatever name called
60 while:



61 (a) On a cruise vessel as defined in Section 27-109-1
62 whenever such vessel is in the waters within the State of
63 Mississippi, which lie adjacent to the State of Mississippi south
64 of the three (3) most southern counties in the State of
65 Mississippi, and in which the registered voters of the county in
66 which the port is located have not voted to prohibit such betting,
67 gaming or wagering on cruise vessels as provided in Section
68 19-3-79;

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

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

77 (5) Notwithstanding any provision of this section to the
78 contrary, it shall not be unlawful (a) to own, possess, repair or
79 control any gambling device, machine or equipment on board any
80 cruise vessel in this state of not less than one hundred fifty
81 (150) feet in overall length or vessel in this state of not less
82 than one hundred fifty (150) feet in overall length or on the
83 business premises appurtenant to any such cruise vessel or vessel
84 during any period of time in which such cruise vessel or vessel is
85 being constructed, repaired, maintained or operated in this state;
86 (b) to install any gambling device, machine or equipment on board
87 any cruise vessel in this state of not less than one hundred fifty
88 (150) feet in overall length or vessel in this state of not less
89 than one hundred fifty (150) feet in overall length; (c) to
90 possess or control any gambling device, machine or equipment
91 during the process of procuring or transporting such device,
92 machine or equipment for installation on any such cruise vessel or
93 vessel; or (d) to store in a warehouse or other storage facility



94 any gambling device, machine, equipment, or part thereof,
95 regardless of whether the county or municipality in which the
96 warehouse or storage facility is located has approved gaming
97 aboard cruise vessels or vessels, provided that such device,
98 machine or equipment is operated only in a county or municipality
99 that has approved gaming aboard cruise vessels or vessels. Any
100 gambling device, machine or equipment that is owned, possessed,
101 controlled, installed, procured, repaired, transported or stored
102 in accordance with this subsection shall not be subject to
103 confiscation, seizure or destruction, and any person, firm,
104 partnership or corporation which owns, possesses, controls,
105 installs, procures, repairs, transports or stores any gambling
106 device, machine or equipment in accordance with this subsection
107 shall not be subject to any prosecution or penalty under this
108 section. Any person constructing or repairing such cruise vessels
109 or vessels within a municipality shall comply with all municipal
110 ordinances protecting the general health or safety of the
111 residents of the municipality.

112 **SECTION 2.** This act shall take effect and be in force from
113 and after July 1, 2002.

