AN ACT TO AMEND SECTION 97-33-7, MISSISSIPPI CODE OF 1972, TO EXCLUDE FROM THE DEFINITION OF GAMING DEVICE CERTAIN AMUSEMENT MACHINES DISPENSING COUPONS REDEEMABLE FOR MERCHANDISE OF NOMINAL VALUE; 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, 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, or devices operated for amusement purposes which may dispense coupons redeemable for merchandise of nominal value which may not exceed a wholesale value of Forty Dollars ($40.00). 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 shall, upon
conviction, be fined in any sum not exceeding 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 subject to a sentence of not
less than six (6) months in the county jail, nor more than two (2)
years in the State Penitentiary, in the discretion of the trial
court.

(4) 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
while:
61 (a) On a cruise vessel as defined in Section 27-109-1 whenever such vessel is in the waters within the State of
62 Mississippi, which lie adjacent to the State of Mississippi south
63 of the three (3) most southern counties in the State of
64 Mississippi, and in which the registered voters of the county in
65 which the port is located have not voted to prohibit such betting,
66 gaming or wagering on cruise vessels as provided in Section
67 19-3-79;
68 (b) On a vessel as defined in Section 27-109-1 whenever
69 such vessel is on the Mississippi River or navigable waters within
70 any county bordering on the Mississippi River, and in which the
71 registered voters of the county in which the port is located have
72 not voted to prohibit such betting, gaming or wagering on vessels
73 as provided in Section 19-3-79; or
74 (c) That is legal under the laws of the State of
75 Mississippi.
76 (5) Notwithstanding any provision of this section to the
77 contrary, it shall not be unlawful (a) to own, possess, repair or
78 control any gambling device, machine or equipment on board any
79 cruise vessel in this state of not less than one hundred fifty
80 (150) feet in overall length or vessel in this state of not less
81 than one hundred fifty (150) feet in overall length or on the
82 business premises appurtenant to any such cruise vessel or vessel
83 during any period of time in which such cruise vessel or vessel is
84 being constructed, repaired, maintained or operated in this state;
85 (b) to install any gambling device, machine or equipment on board
86 any cruise vessel in this state of not less than one hundred fifty
87 (150) feet in overall length or vessel in this state of not less
88 than one hundred fifty (150) feet in overall length; (c) to
89 possess or control any gambling device, machine or equipment
90 during the process of procuring or transporting such device,
91 machine or equipment for installation on any such cruise vessel or
92 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.

SECTION 2. This act shall take effect and be in force from
and after its passage.