

By: Representative Robinson (84th)

To: Gaming

HOUSE BILL NO. 357

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, MISSISSIPPI CODE OF 1972, TO CORRECT THE INACCURATE
6 SUBSECTION REFERENCE TO SECTION 97-33-7(4), FOUND IN SECTIONS
7 21-19-33, 95-3-25, 97-33-9 AND 97-33-17, MISSISSIPPI CODE OF 1972,
8 WHERE IT IS INTENDED TO REFER TO THE LANGUAGE CONTAINED IN WHAT IS
9 NOW DESIGNATED INCORRECTLY AS SECTION 97-33-7(5), MISSISSIPPI CODE
10 OF 1972; AND FOR RELATED PURPOSES.

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

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

14 97-33-7. (1) It shall be unlawful for any person or
15 persons, firm, copartnership, or corporation to have in
16 possession, own, control, display, or operate any cane rack, knife
17 rack, artful dodger, punch board, roll down, merchandise wheel,
18 slot machine, pinball machine, video poker machine, computer
19 gaming device, electronic gaming device or similar device or
20 devices. Provided, however, that this section shall not be so
21 construed as to make unlawful the ownership, possession, control,
22 display or operation of any antique coin machine as defined in
23 Section 27-27-12, or any music machine or bona fide automatic
24 vending machine where the purchaser receives exactly the same
25 quantity of merchandise on each operation of said machine. Any
26 slot machine other than an antique coin machine as defined in
27 Section 27-27-12 which delivers, or is so constructed as that by
28 operation thereof it will deliver to the operator thereof anything
29 of value in varying quantities, in addition to the merchandise
30 received, and any slot machine other than an antique coin machine
31 as defined in Section 27-27-12 that is constructed in such manner

32 as that slugs, tokens, coins or similar devices are, or may be,
33 used and delivered to the operator thereof in addition to
34 merchandise of any sort contained in such machine, is hereby
35 declared to be a gambling device, and shall be deemed unlawful
36 under the provisions of this section. Provided, however, that
37 pinball machines which do not return to the operator or player
38 thereof anything but free additional games or plays shall not be
39 deemed to be gambling devices, and neither this section nor any
40 other law shall be construed to prohibit same.

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

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

59 (4) Notwithstanding any provision of this section to the
60 contrary, it shall not be unlawful (a) to own, possess, repair or
61 control any gambling device, machine or equipment on board any
62 cruise vessel in this state of not less than one hundred fifty
63 (150) feet in overall length or vessel in this state of not less
64 than one hundred fifty (150) feet in overall length or on the

65 business premises appurtenant to any such cruise vessel or vessel
66 during any period of time in which such cruise vessel or vessel is
67 being constructed, repaired, maintained or operated in this state;
68 (b) to install any gambling device, machine or equipment on board
69 any cruise vessel in this state of not less than one hundred fifty
70 (150) feet in overall length or vessel in this state of not less
71 than one hundred fifty (150) feet in overall length; (c) to
72 possess or control any gambling device, machine or equipment
73 during the process of procuring or transporting such device,
74 machine or equipment for installation on any such cruise vessel or
75 vessel; or (d) to store in a warehouse or other storage facility
76 any gambling device, machine, equipment, or part thereof,
77 regardless of whether the county or municipality in which the
78 warehouse or storage facility is located has approved gaming
79 aboard cruise vessels or vessels, provided that such device,
80 machine or equipment is operated only in a county or municipality
81 that has approved gaming aboard cruise vessels or vessels. Any
82 gambling device, machine or equipment that is owned, possessed,
83 controlled, installed, procured, repaired, transported or stored
84 in accordance with this subsection shall not be subject to
85 confiscation, seizure or destruction, and any person, firm,
86 partnership or corporation which owns, possesses, controls,
87 installs, procures, repairs, transports or stores any gambling
88 device, machine or equipment in accordance with this subsection
89 shall not be subject to any prosecution or penalty under this
90 section. Any person constructing or repairing such cruise vessels
91 or vessels within a municipality shall comply with all municipal
92 ordinances protecting the general health or safety of the
93 residents of the municipality.

94 (5) Notwithstanding any provision of this section to the
95 contrary, it shall not be unlawful to operate any equipment or
96 device described in subsection (1) of this section or any gaming,

97 gambling or similar device or devices by whatever name
98 called * * *:

99 (a) While on a cruise vessel as defined in Section
100 27-109-1 whenever such vessel is in the waters within the State of
101 Mississippi, which lie adjacent to the State of Mississippi south
102 of the three (3) most southern counties in the State of
103 Mississippi, and in which the registered voters of the county in
104 which the port is located have not voted to prohibit such betting,
105 gaming or wagering on cruise vessels as provided in Section
106 19-3-79;

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

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

115 **SECTION 2.** This act shall take effect and be in force from
116 and after July 1, 2004.