

By: Representative Robinson (84th)

To: Gaming

HOUSE BILL NO. 392

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 REVISE THE PENALTY FOR UNLAWFULLY POSSESSING,
5 OWNING, CONTROLLING, DISPLAYING OR OPERATING GAMBLING DEVICES; TO
6 SWITCH SUBSECTIONS (4) AND (5) OF SECTION 97-33-7, MISSISSIPPI
7 CODE OF 1972, TO CORRECT THE INACCURATE SUBSECTION REFERENCE TO
8 SECTION 97-33-7(4), FOUND IN SECTIONS 21-19-33, 95-3-25, 97-33-9
9 AND 97-33-17, MISSISSIPPI CODE OF 1972, WHERE IT IS INTENDED TO
10 REFER TO THE LANGUAGE CONTAINED IN WHAT IS NOW DESIGNATED
11 INCORRECTLY AS SECTION 97-33-7(5), MISSISSIPPI CODE OF 1972; AND
12 FOR RELATED PURPOSES.

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

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

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

33 as defined in Section 27-27-12 that is constructed in such manner
34 as that slugs, tokens, coins or similar devices are, or may be,
35 used and delivered to the operator thereof in addition to
36 merchandise of any sort contained in such machine, is hereby
37 declared to be a gambling device, and shall be deemed unlawful
38 under the provisions of this section. Provided, however, that
39 pinball machines which do not return to the operator or player
40 thereof anything but free additional games or plays shall not be
41 deemed to be gambling devices, and neither this section nor any
42 other law shall be construed to prohibit same.

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

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

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

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

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

99 gambling or similar device or devices by whatever name
100 called * * *:

101 (a) While on a cruise vessel as defined in Section
102 27-109-1 whenever such vessel is in the waters within the State of
103 Mississippi, which lie adjacent to the State of Mississippi south
104 of the three (3) most southern counties in the State of
105 Mississippi, and in which the registered voters of the county in
106 which the port is located have not voted to prohibit such betting,
107 gaming or wagering on cruise vessels as provided in Section
108 19-3-79;

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

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

117 **SECTION 2.** This act shall take effect and be in force from
118 and after July 1, 2005.