

By: Representatives Brown, Watson

To: Gaming

HOUSE BILL NO. 15

1 AN ACT TO AMEND SECTIONS 87-1-5, 95-3-25, 97-33-1, 97-33-7,
2 97-33-17, 97-33-25 AND 97-33-27, MISSISSIPPI CODE OF 1972, TO
3 AUTHORIZE LEGAL GAMING IN STRUCTURES ON SHORE IN ANY OF THE THREE
4 MOST SOUTHERN COUNTIES IN THE STATE OF MISSISSIPPI IN WHICH
5 BETTING, GAMING OR WAGERING ON CRUISE VESSELS HAS NOT BEEN
6 PROHIBITED AS PROVIDED IN SECTION 19-3-79, IF THE STRUCTURE IS
7 LOCATED WITHIN 1,500 FEET OF THE MEAN HIGH-WATER LINE OF THE
8 WATERS WITHIN THE STATE OF MISSISSIPPI WHICH LIE ADJACENT TO THE
9 STATE OF MISSISSIPPI SOUTH OF SUCH COUNTIES; TO AMEND SECTION
10 75-76-33, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR
11 RELATED PURPOSES.

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

13 **SECTION 1.** Section 87-1-5, Mississippi Code of 1972, is
14 amended as follows:

15 87-1-5. If any person, by playing at any game whatever, or
16 by betting on the sides or hands of such as do play at any game,
17 or by betting on any horse race or cockfight, or at any other
18 sport or pastime, or by any wager whatever, shall lose any money,
19 property, or other valuable thing, real or personal, and shall pay
20 or deliver the same or any part thereof, the person so losing and
21 paying or delivering the same, or his wife or children, may sue
22 for and recover such money, property, or other valuable thing so
23 lost and paid or delivered, or any part thereof, from the person
24 knowingly receiving the same, with costs. However, this section
25 shall not apply to betting, gaming or wagering:

26 (a) On a cruise vessel as defined in Section 27-109-1
27 whenever such vessel is in the waters within the State of
28 Mississippi, which lie adjacent to the State of Mississippi south
29 of the three (3) most southern counties in the State of
30 Mississippi or in a structure in such a county that is constructed
31 on shore within one thousand five hundred (1,500) feet of the mean

32 high-water line (as defined in Section 29-15-1) of the waters
33 within the State of Mississippi, which lie adjacent to the State
34 of Mississippi south of the three (3) most southern counties in
35 the State of Mississippi;

36 (b) On a vessel as defined in Section 27-109-1 whenever
37 such vessel is on the Mississippi River or navigable waters within
38 any county bordering on the Mississippi River; or

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

41 **SECTION 2.** Section 95-3-25, Mississippi Code of 1972, is
42 amended as follows:

43 95-3-25. Any building, club, vessel, boat, place or room,
44 wherein is kept or exhibited any game or gaming table, commonly
45 called A.B.C. or E.O. roulette, or rowley-powley, or rouquetnoir,
46 roredo, keno, monte, or any faro-bank, dice, or other game, gaming
47 table, or bank of the same or like kind, or any other kind or
48 description of gambling device under any other name whatever, and
49 any such place where information is furnished for the purpose of
50 making and settling bets or wagers on any horse race, prize fight,
51 or on the outcome of any like event, or where bets or wagers are
52 arranged for, made or settled, shall be deemed to be a common
53 nuisance and may be abated by writ of injunction, issued out of a
54 court of equity upon a bill filed in the name of the state by the
55 Attorney General, or any district or county attorney, whose duty
56 requires him to prosecute criminal cases on behalf of the state in
57 the county where the nuisance is maintained, or by any citizen or
58 citizens of such county, such bill to be filed in the county in
59 which the nuisance exists. And all rules of evidence and of
60 practice and procedure that pertain to courts of equity generally
61 in this state may be invoked and applied in any injunction
62 procedure hereunder. The provisions of this section shall not
63 apply to any form of gaming or gambling that is legal under the
64 laws of the State of Mississippi or to a licensed gaming

65 establishment and shall not apply to any licensed gaming
66 establishment having on its premises any gambling device, machine
67 or equipment that is owned, possessed, controlled, installed,
68 procured, repaired or transported in accordance with subsection
69 (4) of Section 97-33-7.

70 Upon the abatement of any such nuisance, any person found to
71 be the owner, operator or exhibitor of any gambling device
72 described in the first paragraph of this section may be required
73 by the court to enter into a good and sufficient bond in such
74 amount as may be deemed proper by the court, to be conditioned
75 that the obligor therein will not violate any of the laws of
76 Mississippi pertaining to gaming or gambling for a period of not
77 to exceed two (2) years from the date thereof. The failure to
78 make such bond shall be a contempt of court and for such contempt
79 the person or party shall be confined in the county jail until
80 such bond is made, but not longer than two (2) years. Said bond
81 shall be approved by the clerk of the court where the proceedings
82 were had and shall be filed as a part of the record of such case.

83 **SECTION 3.** Section 97-33-1, Mississippi Code of 1972, is
84 amended as follows:

85 97-33-1. If any person shall encourage, promote or play at
86 any game, play or amusement, other than a fight or fighting match
87 between dogs, for money or other valuable thing, or shall wager or
88 bet, promote or encourage the wagering or betting of any money or
89 other valuable things, upon any game, play, amusement, cockfight,
90 Indian ball play or duel, other than a fight or fighting match
91 between dogs, or upon the result of any election, event or
92 contingency whatever, upon conviction thereof, he shall be fined
93 in a sum not more than Five Hundred Dollars (\$500.00); and, unless
94 such fine and costs be immediately paid, shall be imprisoned for
95 any period not more than ninety (90) days. However, this section
96 shall not apply to betting, gaming or wagering:

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

105 (b) In a structure on shore in any of the three (3)
106 most southern counties in the State of Mississippi in which the
107 registered voters of the county have not voted to prohibit such
108 betting, gaming or wagering on cruise vessels as provided in
109 Section 19-3-79, if the structure is located within one thousand
110 five hundred (1,500) feet of the mean high-water line (as defined
111 in Section 29-15-1) of the waters within the State of Mississippi,
112 which lie adjacent to the State of Mississippi south of the three
113 (3) most southern counties in the State of Mississippi;

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

120 (d) That is legal under the laws of the State of
121 Mississippi.

122 **SECTION 4.** Section 97-33-7, Mississippi Code of 1972, is
123 amended as follows:

124 97-33-7. (1) It shall be unlawful for any person or
125 persons, firm, copartnership or corporation to have in possession,
126 own, control, display, or operate any cane rack, knife rack,
127 artful dodger, punch board, roll down, merchandise wheel, slot
128 machine, pinball machine, or similar device or devices. Provided,
129 however, that this section shall not be so construed as to make

130 unlawful the ownership, possession, control, display or operation
131 of any antique coin machine as defined in Section 27-27-12, or any
132 music machine or bona fide automatic vending machine where the
133 purchaser receives exactly the same quantity of merchandise on
134 each operation of said machine. Any slot machine other than an
135 antique coin machine as defined in Section 27-27-12 which
136 delivers, or is so constructed as that by operation thereof it
137 will deliver to the operator thereof anything of value in varying
138 quantities, in addition to the merchandise received, and any slot
139 machine other than an antique coin machine as defined in Section
140 27-27-12 that is constructed in such manner as that slugs, tokens,
141 coins or similar devices are, or may be, used and delivered to the
142 operator thereof in addition to merchandise of any sort contained
143 in such machine, is hereby declared to be a gambling device, and
144 shall be deemed unlawful under the provisions of this section.
145 Provided, however, that pinball machines which do not return to
146 the operator or player thereof anything but free additional games
147 or plays shall not be deemed to be gambling devices, and neither
148 this section nor any other law shall be construed to prohibit
149 same.

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

159 (3) A first violation of the provisions of this section
160 shall be deemed a misdemeanor, and the party offending shall, upon
161 conviction, be fined in any sum not exceeding Five Hundred Dollars
162 (\$500.00), or imprisoned not exceeding three (3) months, or both,

163 in the discretion of the court. In the event of a second
164 conviction for a violation of any of the provisions of this
165 section, the party offending shall be subject to a sentence of not
166 less than six (6) months in the county jail, nor more than two (2)
167 years in the State Penitentiary, in the discretion of the trial
168 court.

169 (4) Notwithstanding any provision of this section to the
170 contrary, it shall not be unlawful to operate any equipment or
171 device described in subsection (1) of this section or any gaming,
172 gambling or similar device or devices by whatever name called
173 while:

174 (a) On a cruise vessel as defined in Section 27-109-1
175 whenever such vessel is in the waters within the State of
176 Mississippi, which lie adjacent to the State of Mississippi south
177 of the three (3) most southern counties in the State of
178 Mississippi, and in which the registered voters of the county in
179 which the port is located have not voted to prohibit such betting,
180 gaming or wagering on cruise vessels as provided in Section
181 19-3-79;

182 (b) In a structure on shore in any of the three (3)
183 most southern counties in the State of Mississippi in which the
184 registered voters of the county have not voted to prohibit such
185 betting, gaming or wagering on cruise vessels as provided in
186 Section 19-3-79, if the structure is located within one thousand
187 five hundred (1,500) feet of the mean high-water line (as defined
188 in Section 29-15-1) of the waters within the State of Mississippi,
189 which lie adjacent to the State of Mississippi south of the three
190 (3) most southern counties in the State of Mississippi;

191 (c) On a vessel as defined in Section 27-109-1 whenever
192 such vessel is on the Mississippi River or navigable waters within
193 any county bordering on the Mississippi River, and in which the
194 registered voters of the county in which the port is located have

195 not voted to prohibit such betting, gaming or wagering on vessels
196 as provided in Section 19-3-79; or

197 (d) That is legal under the laws of the State of
198 Mississippi.

199 (5) Notwithstanding any provision of this section to the
200 contrary, it shall not be unlawful (a) to own, possess, repair or
201 control any gambling device, machine or equipment in a licensed
202 gaming establishment or on the business premises appurtenant to
203 any such licensed gaming establishment during any period of time
204 in which such licensed gaming establishment is being constructed,
205 repaired, maintained or operated in this state; (b) to install any
206 gambling device, machine or equipment in any licensed gaming
207 establishment; (c) to possess or control any gambling device,
208 machine or equipment during the process of procuring or
209 transporting such device, machine or equipment for installation on
210 any such licensed gaming establishment; or (d) to store in a
211 warehouse or other storage facility any gambling device, machine,
212 equipment, or part thereof, regardless of whether the county or
213 municipality in which the warehouse or storage facility is located
214 has approved gaming aboard cruise vessels or vessels, provided
215 that such device, machine or equipment is operated only in a
216 county or municipality that has approved gaming aboard cruise
217 vessels or vessels. Any gambling device, machine or equipment
218 that is owned, possessed, controlled, installed, procured,
219 repaired, transported or stored in accordance with this subsection
220 shall not be subject to confiscation, seizure or destruction, and
221 any person, firm, partnership or corporation which owns,
222 possesses, controls, installs, procures, repairs, transports or
223 stores any gambling device, machine or equipment in accordance
224 with this subsection shall not be subject to any prosecution or
225 penalty under this section. Any person constructing or repairing
226 such cruise vessels or vessels within a municipality shall comply

227 with all municipal ordinances protecting the general health or
228 safety of the residents of the municipality.

229 **SECTION 5.** Section 97-33-17, Mississippi Code of 1972, is
230 amended as follows:

231 97-33-17. (1) All monies exhibited for the purpose of
232 betting or alluring persons to bet at any game, and all monies
233 staked or betted, shall be liable to seizure by any sheriff,
234 constable, or police officer, together with all the appliances
235 used or kept for use in gambling, or by any other person; and all
236 the monies so seized shall be accounted for by the person making
237 the seizure, and all appliances seized shall be destroyed;
238 provided, however, this section shall not apply to betting, gaming
239 or wagering on:

240 (a) A cruise vessel as defined in Section 27-109-1
241 whenever such vessel is in the waters within the State of
242 Mississippi, which lie adjacent to the State of Mississippi south
243 of the three (3) most southern counties in the State of
244 Mississippi, and in which the registered voters of the county in
245 which the port is located have not voted to prohibit such betting,
246 gaming or wagering on cruise vessels as provided in Section
247 19-3-79;

248 (b) In a structure on shore in any of the three (3)
249 most southern counties in the State of Mississippi in which the
250 registered voters of the county have not voted to prohibit such
251 betting, gaming or wagering on cruise vessels as provided in
252 Section 19-3-79, if the structure is located within one thousand
253 five hundred (1,500) feet of the mean high-water line (as defined
254 in Section 29-15-1) of the waters within the State of Mississippi,
255 which lie adjacent to the State of Mississippi south of the three
256 (3) most southern counties in the State of Mississippi;

257 (c) A vessel as defined in Section 27-109-1 whenever
258 such vessel is on the Mississippi River or navigable waters within
259 any county bordering on the Mississippi River, and in which the

260 registered voters of the county in which the port is located have
261 not voted to prohibit such betting, gaming or wagering on vessels
262 as provided in Section 19-3-79; or

263 (d) That is legal under the laws of the State of
264 Mississippi.

265 (2) Nothing in this section shall apply to any gambling
266 device, machine or equipment that is owned, possessed, controlled,
267 installed, procured, repaired or transported in accordance with
268 subsection (4) of Section 97-33-7.

269 **SECTION 6.** Section 97-33-25, Mississippi Code of 1972, is
270 amended as follows:

271 97-33-25. If any person shall sell or buy, either directly
272 or indirectly, any chance in what is commonly called pool, upon
273 any event whatever, or shall in any manner engage in such business
274 or pastime, he shall be fined not more than Five Hundred Dollars
275 (\$500.00) or shall be imprisoned in the county jail not more than
276 ninety (90) days; provided, however, this section shall not apply
277 to betting, gaming or wagering:

278 (a) On a cruise vessel as defined in Section 27-109-1
279 whenever such vessel is in the waters within the State of
280 Mississippi, which lie adjacent to the State of Mississippi south
281 of the three (3) most southern counties in the State of
282 Mississippi, and in which the registered voters of the county in
283 which the port is located have not voted to prohibit such betting,
284 gaming or wagering on cruise vessels as provided in Section
285 19-3-79;

286 (b) In a structure on shore in any of the three (3)
287 most southern counties in the State of Mississippi in which the
288 registered voters of the county have not voted to prohibit such
289 betting, gaming or wagering on cruise vessels as provided in
290 Section 19-3-79, if the structure is located within one thousand
291 five hundred (1,500) feet of the mean high-water line (as defined
292 in Section 29-15-1) of the waters within the State of Mississippi,

293 which lie adjacent to the State of Mississippi south of the three
294 (3) most southern counties in the State of Mississippi;

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

301 (d) That is legal under the laws of the State of
302 Mississippi.

303 **SECTION 7.** Section 97-33-27, Mississippi Code of 1972, is
304 amended as follows:

305 97-33-27. If any person shall bet on a horse race or a yacht
306 race or on a shooting match, he shall be fined not more than Five
307 Hundred Dollars (\$500.00), and, unless the fine and costs be
308 immediately paid, he shall be imprisoned in the county jail not
309 more than ninety (90) days; provided, however, this section shall
310 not apply to betting, gaming or wagering:

311 (a) On a cruise vessel as defined in Section 27-109-1
312 whenever such vessel is in the waters within the State of
313 Mississippi, which lie adjacent to the State of Mississippi south
314 of the three (3) most southern counties in the State of
315 Mississippi, and in which the registered voters of the county in
316 which the port is located have not voted to prohibit such betting,
317 gaming or wagering on cruise vessels as provided in Section
318 19-3-79;

319 (b) In a structure on shore in any of the three (3)
320 most southern counties in the State of Mississippi in which the
321 registered voters of the county have not voted to prohibit such
322 betting, gaming or wagering on cruise vessels as provided in
323 Section 19-3-79, if the structure is located within one thousand
324 five hundred (1,500) feet of the mean high-water line (as defined
325 in Section 29-15-1) of the waters within the State of Mississippi,

326 which lie adjacent to the State of Mississippi south of the three
327 (3) most southern counties in the State of Mississippi;

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

334 (d) That is legal under the laws of the State of
335 Mississippi.

336 **SECTION 8.** Section 75-76-33, Mississippi Code of 1972, is
337 amended as follows:

338 75-76-33. (1) The commission shall, from time to time,
339 adopt, amend or repeal such regulations, consistent with the
340 policy, objects and purposes of this chapter, as it may deem
341 necessary or desirable in the public interest in carrying out the
342 policy and provisions of this chapter.

343 (2) These regulations shall, without limiting the general
344 powers herein conferred, include the following:

345 (a) Prescribing the method and form of application
346 which any applicant for a license or for a manufacturer's,
347 seller's or distributor's license must follow and complete before
348 consideration of his application by the executive director or the
349 commission.

350 (b) Prescribing the information to be furnished by any
351 applicant or licensee concerning his antecedents, habits,
352 character, associates, criminal record, business activities and
353 financial affairs, past or present.

354 (c) Prescribing the information to be furnished by a
355 licensee relating to his employees.

356 (d) Requiring fingerprinting of an applicant or
357 licensee, and gaming employees of a licensee, or other methods of

358 identification and the forwarding of all fingerprints taken
359 pursuant to regulation of the Federal Bureau of Investigation.

360 (e) Prescribing the manner and procedure of all
361 hearings conducted by the commission or any hearing examiner of
362 the commission, including special rules of evidence applicable
363 thereto and notices thereof.

364 (f) Requiring any applicant to pay all or any part of
365 the fees and costs of investigation of such applicant as may be
366 determined by the commission, except that no applicant for an
367 initial license shall be required to pay any part of the fees or
368 costs of the investigation of the applicant with regard to the
369 initial license.

370 (g) Prescribing the manner and method of collection and
371 payment of fees and issuance of licenses.

372 (h) Prescribing under what conditions a licensee may be
373 deemed subject to revocation or suspension of his license.

374 (i) Requiring any applicant or licensee to waive any
375 privilege with respect to any testimony at any hearing or meeting
376 of the commission, except any privilege afforded by the
377 Constitution of the United States or this state.

378 (j) Defining and limiting the area, games and devices
379 permitted, and the method of operation of such games and devices,
380 for the purposes of this chapter.

381 (k) Prescribing under what conditions the nonpayment of
382 a gambling debt by a licensee shall be deemed grounds for
383 revocation or suspension of his license.

384 (l) Governing the use and approval of gambling devices
385 and equipment.

386 (m) Prescribing the qualifications of, and the
387 conditions under which, attorneys, accountants and others are
388 permitted to practice before the commission.

389 (n) Restricting access to confidential information
390 obtained under this chapter and ensuring that the confidentiality
391 of such information is maintained and protected.

392 (o) Prescribing the manner and procedure by which the
393 executive director on behalf of the commission shall notify a
394 county or a municipality wherein an applicant for a license
395 desires to locate.

396 (p) Prescribing the manner and procedure for an
397 objection to be filed with the commission and the executive
398 director by a county or municipality wherein an applicant for a
399 license desires to locate.

400 (3) Notwithstanding any other provision of law, each
401 licensee shall be required to comply with the following
402 regulations:

403 (a) No wagering shall be allowed on the outcome of any
404 athletic event, nor on any matter to be determined during an
405 athletic event, nor on the outcome of any event which does not
406 take place on the premises.

407 (b) No wager may be placed by, or on behalf of, any
408 individual or entity or group, not present on a licensed gaming
409 establishment.

410 **SECTION 9.** This act shall take effect and be in force from
411 and after its passage.