

By: Representative Robinson (84th)

To: Gaming

HOUSE BILL NO. 602

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 possession,
18 own, control, display, or operate any cane rack, knife rack,
19 artful dodger, punch board, roll down, merchandise wheel, slot
20 machine, pinball machine, video poker machine, computer gaming
21 device, electronic gaming device or similar device or devices.

22 Provided, however, that this section shall not be so construed as
23 to make unlawful the ownership, possession, control, display or
24 operation of any antique coin machine as defined in Section
25 27-27-12, or any music machine or bona fide automatic vending
26 machine where the purchaser receives exactly the same quantity of
27 merchandise on each operation of said machine. Any slot machine
28 other than an antique coin machine as defined in Section 27-27-12
29 which delivers, or is so constructed as that by operation thereof
30 it will deliver to the operator thereof anything of value in
31 varying quantities, in addition to the merchandise received, and
32 any slot machine other than an antique coin machine as defined in

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

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

91 (5) Notwithstanding any provision of this section to the
92 contrary, it shall not be unlawful to operate any equipment or
93 device described in subsection (1) of this section or any gaming,
94 gambling or similar device or devices by whatever name
95 called * * *:

96 (a) While on a cruise vessel as defined in Section
97 27-109-1 whenever such vessel is in the waters within the State of
98 Mississippi, which lie adjacent to the State of Mississippi south

99 of the three (3) most southern counties in the State of
100 Mississippi, including the Mississippi Sound, St. Louis Bay,
101 Biloxi Bay and Pascagoula Bay, and in which the registered voters
102 of the county in which the port is located have not voted to
103 prohibit such betting, gaming or wagering on cruise vessels as
104 provided in Section 19-3-79;

105 (b) While in a structure located in whole or in part on
106 shore in any of the three (3) most southern counties in the State
107 of Mississippi in which the registered voters of the county have
108 voted to allow such betting, gaming or wagering on cruise vessels
109 as provided in Section 19-3-79, if:

110 (i) The structure is owned, leased or controlled
111 by a person possessing a gaming license, as defined in Section
112 75-76-5, to conduct legal gaming on a cruise vessel under
113 paragraph (a) of this subsection;

114 (ii) The part of the structure in which licensed
115 gaming activities are conducted is located entirely in an area
116 which is located no more than eight hundred (800) feet from the
117 mean high-water line (as defined in Section 29-15-1) of the waters
118 within the State of Mississippi, which lie adjacent to the State
119 of Mississippi south of the three (3) most southern counties in
120 the State of Mississippi, including the Mississippi Sound, St.
121 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
122 Harrison County only, no farther north than the southern boundary
123 of the right-of-way for U.S. Highway 90, whichever is greater; and

124 (iii) In the case of a structure that is located
125 in whole or part on shore, the part of the structure in which
126 licensed gaming activities are conducted shall lie adjacent to
127 state waters south of the three (3) most southern counties in the
128 State of Mississippi, including the Mississippi Sound, St. Louis
129 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
130 structure is located consists of a parcel of real property,
131 easements and rights-of-way for public streets and highways shall

132 not be construed to interrupt the contiguous nature of the parcel,
133 nor shall the footage contained within the easements and
134 rights-of-way be counted in the calculation of the distances
135 specified in subparagraph (ii).

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

142 (d) That is legal under the laws of the State of
143 Mississippi.

144 * * *

145 **SECTION 2.** This act shall take effect and be in force from
146 and after July 1, 2006.