

By: Representative Clark

To: Gaming; Ways and Means;
Rules

HOUSE BILL NO. 743

1 AN ACT TO REQUIRE THE MISSISSIPPI GAMING COMMISSION TO
 2 ESTABLISH A STATE LOTTERY TO BE ADMINISTERED BY THE MISSISSIPPI
 3 GAMING COMMISSION; TO PROVIDE THAT TWENTY-FIVE MILLION DOLLARS OF
 4 PROCEEDS SHALL ANNUALLY BE DEPOSITED INTO A SPECIAL FUND FOR THE
 5 TWENTY-FIVE POOREST SCHOOL DISTRICTS IN THE STATE; TO PROVIDE THAT
 6 REMAINING PROCEEDS SHALL BE DEPOSITED INTO THE STATE GENERAL FUND;
 7 TO AMEND SECTIONS 67-1-71, 75-76-3, 75-76-5, 97-33-9, 97-33-11,
 8 97-33-13, 97-33-21, 97-33-23, 97-33-31, 97-33-33, 97-33-35,
 9 97-33-37, 97-33-39, 97-33-41, 97-33-43, 97-33-45, 97-33-47 AND
 10 97-33-49, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
 11 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** As used in this act, the following words and
 14 phrases have the meanings ascribed in this section unless the
 15 context clearly indicates otherwise:

16 (a) "Commission" means the Mississippi Gaming
 17 Commission.

18 (b) "Distributor" means any person authorized by the
 19 Mississippi Gaming Commission to distribute lottery tickets to
 20 retailers. A person possessing a gaming license issued under
 21 Chapter 76, Title 75, Mississippi Code of 1972, may be a



22 distributor if located in a county in which legal gaming has been
23 approved.

24 (c) "Lottery" means any activity approved by the
25 Mississippi Gaming Commission in which:

26 (i) The player or players pay or agree to pay
27 something of value for chances, represented and differentiated by
28 tickets, slips of paper or other physical and tangible
29 documentation upon which appear numbers, symbols, characters or
30 other distinctive marks used to identify and designate the winner
31 or winners;

32 (ii) The winning chance or chances are to be
33 determined by a drawing or similar selection method based
34 predominately upon the element of chance or random selection
35 rather than upon the skill or judgment of the player or players;

36 (iii) The holder or holders of the winning chance
37 or chances are to receive a prize or something of valuable
38 consideration; and

39 (iv) The activity is conducted and participated in
40 without regard to geographical location, with the player or
41 players not being required to be present upon any particular
42 premises or at any particular location in order to participate or
43 to win.

44 (d) "Person" means any association, corporation, firm,
45 partnership, trust or other form of business association as well
46 as a natural person.



47 (e) "Retailer" means any person authorized by the
48 Mississippi Gaming Commission to sell lottery tickets to the
49 public. A person possessing a gaming license issued under Chapter
50 76, Title 75, Mississippi Code of 1972, may be a retailer if
51 located in a county in which legal gaming has been approved.

52 **SECTION 2.** (1) The Mississippi Gaming Commission shall
53 establish a state lottery to be administered by the Mississippi
54 Gaming Commission, which shall include multi-state lottery games
55 owned by a multi-state association or consortium. The commission
56 may promulgate such reasonable rules and regulations as may be
57 necessary to implement this section.

58 (2) Proceeds of the lottery created under subsection (1) of
59 this section shall be distributed as follows:

60 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
61 be deposited annually into a special fund created in the State
62 Treasury for the purpose of providing the twenty-five (25) poorest
63 school districts in the state with funds to be used for capitol
64 improvements, salaries, incentives to attract highly qualified
65 teachers to the districts and early childhood education programs;
66 and

67 (b) Any remaining funds shall be deposited into the
68 State General Fund.

69 **SECTION 3.** Section 67-1-71, Mississippi Code of 1972, is
70 amended as follows:



71 67-1-71. The department may revoke or suspend any permit
72 issued by it for a violation by the permittee of any of the
73 provisions of this chapter or of the regulations promulgated under
74 it by the department.

75 Permits must be revoked or suspended for the following
76 causes:

77 (a) Conviction of the permittee for the violation of
78 any of the provisions of this chapter;

79 (b) Willful failure or refusal by any permittee to
80 comply with any of the provisions of this chapter or of any rule
81 or regulation adopted pursuant thereto;

82 (c) The making of any materially false statement in any
83 application for a permit;

84 (d) Conviction of one or more of the clerks, agents or
85 employees of the permittee, of any violation of this chapter upon
86 the premises covered by such permit within a period of time as
87 designated by the rules or regulations of the department;

88 (e) The possession on the premises of any retail
89 permittee of any alcoholic beverages upon which the tax has not
90 been paid;

91 (f) The willful failure of any permittee to keep the
92 records or make the reports required by this chapter, or to allow
93 an inspection of such records by any duly authorized person;



94 (g) The suspension or revocation of a permit issued to
95 the permittee by the federal government, or conviction of
96 violating any federal law relating to alcoholic beverages;

97 (h) The failure to furnish any bond required by Section
98 27-71-21 within fifteen (15) days after notice from the
99 department; and

100 (i) The conducting of any form of illegal gambling on
101 the premises of any permittee or on any premises connected
102 therewith or the presence on any such premises of any gambling
103 device with the knowledge of the permittee.

104 The provisions of this paragraph (i) of this section shall
105 not apply to * * *: the conducting of legal gaming by a person
106 having a gaming license issued under Chapter 76, Title 75,
107 Mississippi Code of 1972, or the operation of the lottery required
108 by Section 2 of this act. The department may, in its discretion,
109 issue on-premises retailer's permits to a common carrier of the
110 nature described in this paragraph.

111 No permit shall be suspended or revoked until after the
112 permittee has been provided reasonable notice of the charges
113 against him for which suspension or revocation is sought and the
114 opportunity to a hearing before the Board of Tax Appeals to
115 contest such charges and the suspension or revocation proposed.
116 Opportunity to a hearing is provided without an actual hearing if
117 the permittee, after receiving reasonable notice, including notice
118 of his right to a hearing, fails to timely request a hearing. The



119 permittee may also at any time waive his rights to reasonable
120 notice and/or to the opportunity to a hearing by agreeing to a
121 suspension or revocation offered by the department.
122 Notwithstanding the requirement above that a permit may not be
123 suspended without notice and opportunity to a hearing, sales of
124 alcoholic beverages by a permittee under a permit for which the
125 bond under Section 27-71-21 has been cancelled shall be suspended
126 from and after issuance of the notice provided in subsection (h)
127 above and shall continue to be suspended until the bond is
128 reinstated, a new bond is posted or sufficient cash or securities
129 as provided under Section 27-71-21 are deposited with the State
130 Treasurer for this permit.

131 In addition to the causes specified in this section and other
132 provisions of this chapter, the department shall be authorized to
133 suspend the permit of any permit holder for being out of
134 compliance with an order for support, as defined in Section
135 93-11-153. The procedure for suspension of a permit for being out
136 of compliance with an order for support, and the procedure for the
137 reissuance or reinstatement of a permit suspended for that
138 purpose, and the payment of any fees for the reissuance or
139 reinstatement of a permit suspended for that purpose, shall be
140 governed by Section 93-11-157 or 93-11-163, as the case may be.
141 If there is any conflict between any provision of Section
142 93-11-157 or 93-11-163 and any provision of this chapter, the



143 provisions of Section 93-11-157 or 93-11-163, as the case may be,
144 shall control.

145 **SECTION 4.** Section 75-76-3, Mississippi Code of 1972, is
146 amended as follows:

147 75-76-3. (1) The provisions of this chapter shall not be
148 construed to legalize any form of gaming which is prohibited under
149 the Mississippi Constitution or the laws of this state. All legal
150 gaming which is conducted in this state and which is otherwise
151 authorized by law shall be regulated and licensed pursuant to the
152 provisions of this chapter, unless the Legislature specifically
153 provides otherwise. Nothing in this chapter shall be construed as
154 encouraging the legalization of gambling in this state.

155 (2) The Legislature hereby finds and declares that lotteries
156 and gaming both consist of the material element of chance. The
157 Legislature is * * * permitted by virtue of its inherent powers to
158 legislate upon lotteries and gaming as the occasion arises. The
159 Legislature derives its power to legislate upon lotteries and
160 gaming or gambling devices from its inherent authority over the
161 morals and policy of the people * * *.

162 (3) The Legislature hereby finds, and declares it to be the
163 public policy of this state, that:

164 (a) Regulation of licensed lotteries and gaming is
165 important in order that * * * those activities are conducted
166 honestly and competitively, that the rights of the creditors of



167 licensees are protected and that * * * those activities are free
168 from criminal and corruptive elements.

169 (b) Public confidence and trust can only be maintained
170 by strict regulation of all persons, locations, practices,
171 associations and activities related to the operation of lotteries
172 and licensed gaming establishments and the manufacture or
173 distribution of gambling devices and equipment.

174 (c) All establishments where lotteries or gaming * * *,
175 or both, are conducted and * * * manufacturers, sellers and
176 distributors of certain * * * lottery and gaming devices and
177 equipment must therefore be licensed, controlled and assisted to
178 protect the public health, safety, morals, good order and general
179 welfare of the inhabitants of the state.

180 (4) It is the intent of the Legislature that gaming
181 licensees and any entity established to conduct a lottery, to the
182 extent practicable, shall employ residents of Mississippi as * * *
183 employees * * * in the operation of their * * * establishments
184 located in this state.

185 (5) No applicant for a license or other affirmative
186 commission approval has any right to a license or the granting of
187 the approval sought. Any license issued or other commission
188 approval granted pursuant to the provisions of this chapter is a
189 revocable privilege, and no holder acquires any vested right
190 therein or thereunder.

191 * * *



192 **SECTION 5.** Section 75-76-5, Mississippi Code of 1972, is
193 amended as follows:

194 75-76-5. As used in this chapter, unless the context
195 requires otherwise:

196 (a) "Applicant" means any person who has applied for or
197 is about to apply for a state gaming license, registration or
198 finding of suitability under the provisions of this chapter or
199 approval of any act or transaction for which approval is required
200 or permitted under the provisions of this chapter.

201 (b) "Application" means a request for the issuance of a
202 state gaming license, registration or finding of suitability under
203 the provisions of this chapter or for approval of any act or
204 transaction for which approval is required or permitted under the
205 provisions of this chapter but does not include any supplemental
206 forms or information that may be required with the application.

207 (c) "Associated equipment" means any equipment or
208 mechanical, electromechanical or electronic contrivance, component
209 or machine used remotely or directly in connection with gaming or
210 with any game, race book or sports pool that would not otherwise
211 be classified as a gaming device, including dice, playing cards,
212 links which connect to progressive slot machines, equipment which
213 affects the proper reporting of gross revenue, computerized
214 systems of betting at a race book or sports pool, computerized
215 systems for monitoring slot machines, and devices for weighing or
216 counting money.



217 (d) "Chairman" means the Chairman of the Mississippi
218 Gaming Commission except when used in the term "Chairman of the
219 State Tax Commission." "Chairman of the State Tax Commission" or
220 "commissioner" means the Commissioner of Revenue of the Department
221 of Revenue.

222 (e) "Commission" or "Mississippi Gaming Commission"
223 means the Mississippi Gaming Commission.

224 (f) "Commission member" means a member of the
225 Mississippi Gaming Commission.

226 (g) "Credit instrument" means a writing which evidences
227 a gaming debt owed to a person who holds a license at the time the
228 debt is created, and includes any writing taken in consolidation,
229 redemption or payment of a prior credit instrument.

230 (h) "Enforcement division" means a particular division
231 supervised by the executive director that provides enforcement
232 functions.

233 (i) "Establishment" means any premises wherein or
234 whereon any gaming is done.

235 (j) "Executive director" means the Executive Director
236 of the Mississippi Gaming Commission.

237 (k) Except as otherwise provided by law, "game," or
238 "gambling game" means any banking or percentage game played with
239 cards, with dice or with any mechanical, electromechanical or
240 electronic device or machine for money, property, checks, credit
241 or any representative of value, including, without limiting, the



242 generality of the foregoing, faro, monte, roulette, keno, fan-tan,
243 twenty-one, blackjack, seven-and-a-half, big injun, klondike,
244 craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de
245 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,
246 or any other game or device approved by the commission. However,
247 "game" or "gambling game" shall not include bingo games or raffles
248 which are held pursuant to the provisions of Section 97-33-51, or
249 the illegal gambling activities described in Section 97-33-8, or
250 the lottery authorized by Section 2 of this act.

251 The commission shall not be required to recognize any game
252 hereunder with respect to which the commission determines it does
253 not have sufficient experience or expertise.

254 (l) "Gaming" or "gambling" means to deal, operate,
255 carry on, conduct, maintain or expose for play any game as defined
256 in this chapter.

257 (m) "Gaming device" means any mechanical,
258 electromechanical or electronic contrivance, component or machine
259 used in connection with gaming or any game which affects the
260 result of a wager by determining win or loss. The term includes a
261 system for processing information which can alter the normal
262 criteria of random selection, which affects the operation of any
263 game, or which determines the outcome of a game. The term does
264 not include a system or device which affects a game solely by
265 stopping its operation so that the outcome remains undetermined,



266 and does not include any antique coin machine as defined in
267 Section 27-27-12.

268 (n) "Gaming employee" means any person connected
269 directly with the operation of a gaming establishment licensed to
270 conduct any game, including:

- 271 (i) Boxmen;
- 272 (ii) Cashiers;
- 273 (iii) Change personnel;
- 274 (iv) Counting room personnel;
- 275 (v) Dealers;
- 276 (vi) Floormen;
- 277 (vii) Hosts or other persons empowered to extend
278 credit or complimentary services;
- 279 (viii) Keno runners;
- 280 (ix) Keno writers;
- 281 (x) Machine mechanics;
- 282 (xi) Security personnel;
- 283 (xii) Shift or pit bosses;
- 284 (xiii) Shills;
- 285 (xiv) Supervisors or managers; and
- 286 (xv) Ticket writers.

287 The term "gaming employee" also includes employees of
288 manufacturers or distributors of gaming equipment within this
289 state whose duties are directly involved with the manufacture,
290 repair or distribution of gaming equipment.



291 "Gaming employee" does not include bartenders, cocktail
292 waitresses or other persons engaged in preparing or serving food
293 or beverages unless acting in some other capacity.

294 (o) "Gaming license" means any license issued by the
295 state which authorizes the person named therein to engage in
296 gaming.

297 (p) "Gross revenue" means the total of all of the
298 following, less the total of all cash paid out as losses to
299 patrons and those amounts paid to purchase annuities to fund
300 losses paid to patrons over several years by independent financial
301 institutions:

302 (i) Cash received as winnings;

303 (ii) Cash received in payment for credit extended
304 by a licensee to a patron for purposes of gaming; and

305 (iii) Compensation received for conducting any
306 game in which the licensee is not party to a wager.

307 For the purposes of this definition, cash or the value of
308 noncash prizes awarded to patrons in a contest or tournament are
309 not losses.

310 The term does not include:

311 (i) Counterfeit money or tokens;

312 (ii) Coins of other countries which are received
313 in gaming devices;

314 (iii) Cash taken in fraudulent acts perpetrated
315 against a licensee for which the licensee is not reimbursed; or



316 (iv) Cash received as entry fees for contests or
317 tournaments in which the patrons compete for prizes.

318 (q) "Hearing examiner" means a member of the
319 Mississippi Gaming Commission or other person authorized by the
320 commission to conduct hearings.

321 (r) "Investigation division" means a particular
322 division supervised by the executive director that provides
323 investigative functions.

324 (s) "License" means a gaming license or a
325 manufacturer's, seller's or distributor's license.

326 (t) "Licensee" means any person to whom a valid license
327 has been issued.

328 (u) "License fees" means monies required by law to be
329 paid to obtain or continue a gaming license or a manufacturer's,
330 seller's or distributor's license.

331 (v) "Licensed gaming establishment" means any premises
332 licensed pursuant to the provisions of this chapter wherein or
333 whereon gaming is done.

334 (w) "Manufacturer's," "seller's" or "distributor's"
335 license means a license issued pursuant to Section 75-76-79.

336 (x) "Navigable waters" shall have the meaning ascribed
337 to such term under Section 27-109-1.

338 (y) "Operation" means the conduct of gaming.

339 (z) "Party" means the Mississippi Gaming Commission and
340 any licensee or other person appearing of record in any proceeding



341 before the commission; or the Mississippi Gaming Commission and
342 any licensee or other person appearing of record in any proceeding
343 for judicial review of any action, decision or order of the
344 commission.

345 (aa) "Person" includes any association, corporation,
346 firm, partnership, trust or other form of business association as
347 well as a natural person.

348 (bb) "Premises" means land, together with all
349 buildings, improvements and personal property located thereon, and
350 includes all parts of any vessel or cruise vessel.

351 (cc) "Race book" means the business of accepting wagers
352 upon the outcome of any event held at a track which uses the
353 pari-mutuel system of wagering.

354 (dd) "Regulation" means a rule, standard, directive or
355 statement of general applicability which effectuates law or policy
356 or which describes the procedure or requirements for practicing
357 before the commission. The term includes a proposed regulation
358 and the amendment or repeal of a prior regulation but does not
359 include:

360 (i) A statement concerning only the internal
361 management of the commission and not affecting the rights or
362 procedures available to any licensee or other person;

363 (ii) A declaratory ruling;

364 (iii) An interagency memorandum;



365 (iv) The commission's decision in a contested case
366 or relating to an application for a license; or

367 (v) Any notice concerning the fees to be charged
368 which are necessary for the administration of this chapter.

369 (ee) "Respondent" means any licensee or other person
370 against whom a complaint has been filed with the commission.

371 (ff) "Slot machine" means any mechanical, electrical or
372 other device, contrivance or machine which, upon insertion of a
373 coin, token or similar object, or upon payment of any
374 consideration, is available to play or operate, the play or
375 operation of which, whether by reason of the skill of the operator
376 or application of the element of chance, or both, may deliver or
377 entitle the person playing or operating the machine to receive
378 cash, premiums, merchandise, tokens or anything of value, whether
379 the payoff is made automatically from the machine or in any other
380 manner. The term does not include any antique coin machine as
381 defined in Section 27-27-12.

382 (gg) "Sports pool" means the business of accepting
383 wagers on collegiate or professional sporting events or athletic
384 events, by any system or method of wagering other than the system
385 known as the "pari-mutuel method of wagering."

386 (hh) "State Tax Commission" or "department" means the
387 Department of Revenue of the State of Mississippi.



388 (ii) "Temporary work permit" means a work permit which
389 is valid only for a period not to exceed ninety (90) days from its
390 date of issue and which is not renewable.

391 (jj) "Vessel" or "cruise vessel" shall have the
392 meanings ascribed to such terms under Section 27-109-1.

393 (kk) "Work permit" means any card, certificate or
394 permit issued by the commission, whether denominated as a work
395 permit, registration card or otherwise, authorizing the employment
396 of the holder as a gaming employee. A document issued by any
397 governmental authority for any employment other than gaming is not
398 a valid work permit for the purposes of this chapter.

399 (ll) "School or training institution" means any school
400 or training institution which is licensed by the commission to
401 teach or train gaming employees pursuant to Section 75-76-34.

402 (mm) "Cheat" means to alter the selection of criteria
403 that determine:

404 (i) The rules of a game; or

405 (ii) The amount or frequency of payment in a game.

406 (nn) "Promotional activity" means an activity or event
407 conducted or held for the purpose of promoting or marketing the
408 individual licensed gaming establishment that is engaging in the
409 promotional activity. The term includes, but is not limited to, a
410 game of any kind other than as defined in paragraph (k) of this
411 section, a tournament, a contest, a drawing, or a promotion of any
412 kind.



413 **SECTION 6.** Section 97-33-9, Mississippi Code of 1972, is
414 amended as follows:

415 97-33-9. Except as otherwise provided in Section 97-33-8, if
416 any person shall be guilty of keeping or exhibiting any illegal
417 game or gaming table commonly called A.B.C. or E.O. roulette or
418 rowley-powley, or rouge et noir, roredo, keno, monte, or any
419 faro-bank, or other game, gaming table, or bank of the same or
420 like kind or any other kind or description under any other name
421 whatever, or shall be in any manner either directly or indirectly
422 interested or concerned in any gaming tables, banks, or games,
423 either by furnishing money or articles for the purpose of carrying
424 on the same, being interested in the loss or gain of said table,
425 bank or games, or employed in any manner in conducting, carrying
426 on, or exhibiting said gaming tables, games, or banks, every
427 person so offending and being thereof convicted, shall be fined
428 not less than Twenty-five Dollars (\$25.00) nor more than Two
429 Thousand Dollars (\$2,000.00), or be imprisoned in the county jail
430 not longer than two (2) months, or by both such fine and
431 imprisonment, in the discretion of the court. Nothing in this
432 section shall apply to any person who owns, possesses, controls,
433 installs, procures, repairs or transports any legal gaming or
434 gambling device, machine or equipment in accordance with
435 subsection (4) of Section 97-33-7 or Section 75-76-34 or to the
436 operation of the lottery established by Section 2 of this act.



437 **SECTION 7.** Section 97-33-11, Mississippi Code of 1972, is
438 amended as follows:

439 97-33-11. It shall not be lawful for any association of
440 persons of the character commonly known as a "club," whether such
441 association be incorporated or not, in any manner, either directly
442 or indirectly, to have any interest or concern in any gambling
443 tables, banks, or games, by means of what is sometimes called a
444 "rake-off" or "take-out," or by means of an assessment upon
445 certain combinations, or hands at cards, or by means of a
446 percentage extracted from players, or an assessment made upon, or
447 a contribution from them, or by any other means, device or
448 contrivance whatsoever. It shall not be lawful for such an
449 association to lend or advance money or any other valuable thing
450 to any person engaged or about to engage in playing any game of
451 chance prohibited by law, or to become responsible directly or
452 indirectly for any money or other valuable thing lost, or which
453 may be lost, by any player in any such game. If any such
454 association shall violate any of the provisions of this section
455 each and every member thereof shall be guilty of a misdemeanor
456 and, upon conviction thereof, shall be fined in a sum not more
457 than Five Hundred Dollars (\$500.00); and unless such fine and
458 costs be immediately paid, shall be imprisoned in the county jail
459 for not less than five (5) nor more than twenty (20) days. Each
460 grand jury shall cause such of the members of such an association
461 as it may choose to appear before them and submit to examination



462 touching the observance or nonobservance by such association of
463 the provisions hereof.

464 The provisions of this section do not apply to the operation
465 of the lottery established by Section 2 of this act.

466 **SECTION 8.** Section 97-33-13, Mississippi Code of 1972, is
467 amended as follows:

468 97-33-13. Any owner, lessee, or occupant of any outhouse or
469 other building, who shall knowingly permit or suffer any of the
470 before mentioned tables, banks, or games, or any other game
471 prohibited by law, to be carried on, kept, or exhibited in his
472 said house or other building, or on his lot or premises, being
473 thereof convicted, shall be fined not less than One Hundred
474 Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00).

475 The provisions of this section do not apply to the operation
476 of the lottery established by Section 2 of this act.

477 **SECTION 9.** Section 97-33-21, Mississippi Code of 1972, is
478 amended as follows:

479 97-33-21. Any person of full age who shall bet any money or
480 thing of any value with a minor, or allow a minor to bet at any
481 game or gaming-table exhibited by him, or in which he is
482 interested or in any manner concerned, on conviction thereof,
483 shall be fined not less than Three Hundred Dollars (\$300.00) and
484 imprisoned not less than three (3) months.

485 The provisions of this section do not apply to a minor who
486 receives as a gift a ticket associated with the lottery



487 established by Section 2 of this act when the ticket has been
488 purchased by a person who is eighteen (18) years of age or older.

489 **SECTION 10.** Section 97-33-23, Mississippi Code of 1972, is
490 amended as follows:

491 97-33-23. Any person of full age who shall bet any money or
492 thing of value with a minor, knowing such minor to be under the
493 age of twenty-one (21) years, or allowing any such minor to bet at
494 any game or games, or at any gaming table exhibited by him, or in
495 which he is interested or in any manner concerned, on conviction
496 thereof, shall be punished by imprisonment in the Penitentiary not
497 exceeding two (2) years.

498 The provisions of this section do not apply to a minor who
499 receives as a gift a ticket associated with the lottery
500 established by Section 2 of this act when the ticket has been
501 purchased by a person who is eighteen (18) years of age or older.

502 **SECTION 11.** Section 97-33-31, Mississippi Code of 1972, is
503 amended as follows:

504 97-33-31. If any person, in order to raise money for himself
505 or another, or for any purpose whatever, shall publicly or
506 privately put up a lottery to be drawn or adventured for, he
507 shall, on conviction, be imprisoned in the Penitentiary not
508 exceeding five (5) years.

509 The provisions of this section do not apply to the operation
510 of the lottery established by Section 2 of this act.



511 **SECTION 12.** Section 97-33-33, Mississippi Code of 1972, is
512 amended as follows:

513 97-33-33. If any person shall in any way advertise any
514 lottery whatever, no matter where located, or shall knowingly have
515 in his possession any posters or other lottery advertisements of
516 any kind * * *, save a regularly issued newspaper containing such
517 an advertisement without intent to circulate the same as an
518 advertisement * * *, he shall, on conviction, be fined not less
519 than Twenty-five Dollars (\$25.00) nor more than One Hundred
520 Dollars (\$100.00), or be imprisoned in the county jail not
521 exceeding three (3) months, or both.

522 The provisions of this section do not apply to the operation
523 of the lottery established by Section 2 of this act.

524 **SECTION 13.** Section 97-33-35, Mississippi Code of 1972, is
525 amended as follows:

526 97-33-35. If any newspaper published or circulated in this
527 state shall contain an advertisement of any lottery whatever, or
528 any matter intended to advertise a lottery, no matter where
529 located, the editor or editors, publisher or publishers, and the
530 owner or owners thereof permitting the same, shall be guilty of a
531 misdemeanor and, on conviction, shall be fined not less than One
532 Hundred Dollars (\$100.00) nor more than One Thousand Dollars
533 (\$1,000.00), and be imprisoned in the county jail not less than
534 ten (10) days nor more than three (3) months, for each offense.
535 The issuance of each separate daily or weekly edition of the



536 newspaper that shall contain such an advertisement shall be
537 considered a separate offense.

538 The provisions of this section do not apply to the operation
539 of the lottery established by Section 2 of this act.

540 **SECTION 14.** Section 97-33-37, Mississippi Code of 1972, is
541 amended as follows:

542 97-33-37. If any newsdealer or other person shall, directly
543 or indirectly, sell or offer for sale any newspaper or other
544 publication containing a lottery advertisement, he shall be guilty
545 of a misdemeanor and, upon conviction, shall be fined not less
546 than Ten Dollars (\$10.00) or imprisoned not less than ten (10)
547 days, or both.

548 The provisions of this section do not apply to the operation
549 of the lottery established by Section 2 of this act.

550 **SECTION 15.** Section 97-33-39, Mississippi Code of 1972, is
551 amended as follows:

552 97-33-39. If any person shall sell, or offer or expose for
553 sale, any lottery ticket, whether the lottery be in or out of this
554 state, or for or in any other state, territory, district, or
555 country, he shall, on conviction, be fined not less than
556 Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars
557 (\$100.00), or imprisoned in the county jail not less than ten (10)
558 days nor more than sixty (60) days, or both.

559 The provisions of this section do not apply to the operation
560 of the lottery established by Section 2 of this act.



561 **SECTION 16.** Section 97-33-41, Mississippi Code of 1972, is
562 amended as follows:

563 97-33-41. If any person shall buy in this state any lottery
564 ticket, whether the lottery be in or out of this state, or of or
565 in any other state, territory, district, or country, he shall, on
566 conviction, be fined not less than Five Dollars (\$5.00) nor more
567 than Twenty-five Dollars (\$25.00), or be imprisoned in the county
568 jail not exceeding ten (10) days, or both.

569 The provisions of this section do not apply to the operation
570 of the lottery established by Section 2 of this act.

571 **SECTION 17.** Section 97-33-43, Mississippi Code of 1972, is
572 amended as follows:

573 97-33-43. If any railroad company shall suffer or permit the
574 sale of a lottery ticket of any kind on its cars, or at its depots
575 or depot grounds, or by its employees, no matter where the lottery
576 is located, it shall be guilty of a misdemeanor and, on
577 conviction, shall be fined not less than Twenty Dollars (\$20.00)
578 nor more than One Hundred Dollars (\$100.00) for every such ticket
579 so sold.

580 The provisions of this section do not apply to the operation
581 of the lottery established by Section 2 of this act.

582 **SECTION 18.** Section 97-33-45, Mississippi Code of 1972, is
583 amended as follows:

584 97-33-45. If the owner or owners of any steamboat shall
585 suffer or permit the sale of a lottery ticket of any kind on his



586 or their boat, or by his or their employees, no matter where the
587 lottery is located, he or they shall be guilty of a misdemeanor
588 and shall, on conviction, be punished as prescribed in Section
589 97-33-43.

590 The provisions of this section do not apply to the operation
591 of the lottery established by Section 2 of this act.

592 **SECTION 19.** Section 97-33-47, Mississippi Code of 1972, is
593 amended as follows:

594 97-33-47. If any person shall act as agent for any lottery
595 or lottery company, no matter where domiciled or located, or if he
596 shall assume to so act as agent, or if he receive any money or
597 other thing for any such lottery or lottery company, or deliver to
598 any person any ticket or tickets, prize or prizes, or other thing
599 from such lottery or lottery company, he shall, on conviction, be
600 fined not less than One Hundred Dollars (\$100.00), nor more than
601 Five Hundred Dollars (\$500.00), and be imprisoned in the county
602 jail not less than three (3) months nor more than six (6) months.

603 The provisions of this section do not apply to the operation
604 of the lottery established by Section 2 of this act.

605 **SECTION 20.** Section 97-33-49, Mississippi Code of 1972, is
606 amended as follows:

607 97-33-49. Except as otherwise provided in Section 97-33-51,
608 if any person, in order to raise money for himself or another,
609 shall publicly or privately put up or in any way offer any prize
610 or thing to be raffled or played for, he shall, on conviction, be



611 fined not more than Twenty Dollars (\$20.00), or be imprisoned not
612 more than one (1) month in the county jail.

613 The provisions of this section do not apply to the operation
614 of the lottery established by Section 2 of this act.

615 **SECTION 21.** This act shall take effect and be in force from
616 and after July 1, 2018.

