

By: Senator(s) Horhn

To: Gaming; Finance

SENATE BILL NO. 2625

1 AN ACT TO AMEND SECTIONS 67-1-71, 87-1-5, 97-33-1, 97-33-7,  
 2 97-33-17, 97-33-25 AND 97-33-27, MISSISSIPPI CODE OF 1972, TO  
 3 AUTHORIZE GAMING TO BE CONDUCTED ON VESSELS AS DEFINED IN SECTION  
 4 27-109-1 WHENEVER SUCH VESSEL IS ON THE PEARL RIVER OR AN  
 5 ADJOINING BODY OF WATER WITHIN THE CORPORATE LIMITS OF A  
 6 MUNICIPALITY WITH A POPULATION OF 145,000 OR MORE ACCORDING TO THE  
 7 MOST RECENT FEDERAL DECENNIAL CENSUS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 67-1-71, Mississippi Code of 1972, is  
 10 amended as follows:

11 67-1-71. The department may revoke or suspend any permit  
 12 issued by it for a violation by the permittee of any of the  
 13 provisions of this chapter or of the regulations promulgated under  
 14 it by the department.

15 Permits must be revoked or suspended for the following  
 16 causes:

17 (a) Conviction of the permittee for the violation of  
 18 any of the provisions of this chapter;



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

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

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

28           (e) The possession on the premises of any retail  
29 permittee of any alcoholic beverages upon which the tax has not  
30 been paid;

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

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

37           (h) The failure to furnish any bond required by Section  
38 27-71-21 within fifteen (15) days after notice from the  
39 department; and

40           (i) The conducting of any form of illegal gambling on  
41 the premises of any permittee or on any premises connected  
42 therewith or the presence on any such premises of any gambling  
43 device with the knowledge of the permittee.



44           The provisions of paragraph (i) of this section shall not  
45 apply to gambling or the presence of any gambling devices, with  
46 knowledge of the permittee, on board a cruise vessel in the waters  
47 within the State of Mississippi, which lie adjacent to the State  
48 of Mississippi south of the three (3) most southern counties in  
49 the State of Mississippi, or on any vessel as defined in Section  
50 27-109-1 whenever such vessel is on the Mississippi River or  
51 navigable waters within any county bordering on the Mississippi  
52 River, or on any vessel as defined in Section 27-109-1 whenever  
53 such vessel is on the Pearl River or an adjoining body of water  
54 within the corporate limits of a municipality with a population of  
55 one hundred forty-five thousand (145,000) or more according to the  
56 latest federal decennial census. The department may, in its  
57 discretion, issue on-premises retailer's permits to a common  
58 carrier of the nature described in this paragraph.

59           The provisions of paragraph (i) of this section shall not  
60 apply to the operation of any game or lottery authorized by  
61 Chapter 115, Title 27.

62           No permit shall be suspended or revoked until after the  
63 permittee has been provided reasonable notice of the charges  
64 against him for which suspension or revocation is sought and the  
65 opportunity to a hearing before the Board of Tax Appeals to  
66 contest such charges and the suspension or revocation proposed.  
67 Opportunity to a hearing is provided without an actual hearing if  
68 the permittee, after receiving reasonable notice, including notice



69 of his right to a hearing, fails to timely request a hearing. The  
70 permittee may also at any time waive his rights to reasonable  
71 notice and/or to the opportunity to a hearing by agreeing to a  
72 suspension or revocation offered by the department.

73 Notwithstanding the requirement above that a permit may not  
74 be suspended without notice and opportunity to a hearing, sales of  
75 alcoholic beverages by a permittee under a permit for which the  
76 bond under Section 27-71-21 has been cancelled shall be suspended  
77 from and after issuance of the notice provided in paragraph (h)  
78 above and shall continue to be suspended until the bond is  
79 reinstated, a new bond is posted or sufficient cash or securities  
80 as provided under Section 27-71-21 are deposited with the State  
81 Treasurer for this permit.

82 In addition to the causes specified in this section and other  
83 provisions of this chapter, the department shall be authorized to  
84 suspend the permit of any permit holder for being out of  
85 compliance with an order for support, as defined in Section  
86 93-11-153. The procedure for suspension of a permit for being out  
87 of compliance with an order for support, and the procedure for the  
88 reissuance or reinstatement of a permit suspended for that  
89 purpose, and the payment of any fees for the reissuance or  
90 reinstatement of a permit suspended for that purpose, shall be  
91 governed by Section 93-11-157 or 93-11-163, as the case may be.  
92 If there is any conflict between any provision of Section  
93 93-11-157 or 93-11-163 and any provision of this chapter, the



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

96         **SECTION 2.** Section 87-1-5, Mississippi Code of 1972, is  
97 amended as follows:

98         87-1-5. If any person, by playing at any game whatever, or  
99 by betting on the sides or hands of such as do play at any game,  
100 or by betting on any horse race or cockfight, or at any other  
101 sport or pastime, or by any wager whatever, shall lose any money,  
102 property, or other valuable thing, real or personal, and shall pay  
103 or deliver the same or any part thereof, the person so losing and  
104 paying or delivering the same, or his wife or children, may sue  
105 for and recover such money, property, or other valuable thing so  
106 lost and paid or delivered, or any part thereof, from the person  
107 knowingly receiving the same, with costs. However, this section  
108 shall not apply to betting, gaming or wagering:

109             (a) On a cruise vessel as defined in Section 27-109-1  
110 whenever such vessel is in the waters within the State of  
111 Mississippi, which lie adjacent to the State of Mississippi south  
112 of the three (3) most southern counties in the State of  
113 Mississippi, including the Mississippi Sound, St. Louis Bay,  
114 Biloxi Bay and Pascagoula Bay;

115             (b) In a structure located in whole or in part on shore  
116 in any of the three (3) most southern counties in the State of  
117 Mississippi in which the registered voters of the county have



118 voted to allow such betting, gaming or wagering on cruise vessels  
119 as provided in Section 19-3-79, if:

120 (i) The structure is owned, leased or controlled  
121 by a person possessing a gaming license, as defined in Section  
122 75-76-5, to conduct legal gaming on a cruise vessel under  
123 paragraph (a) of this section;

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

134 (iii) In the case of a structure that is located  
135 in whole or part on shore, the part of the structure in which  
136 licensed gaming activities are conducted shall lie adjacent to  
137 state waters south of the three (3) most southern counties in the  
138 State of Mississippi, including the Mississippi Sound, St. Louis  
139 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
140 structure is located consists of a parcel of real property,  
141 easements and rights-of-way for public streets and highways shall  
142 not be construed to interrupt the contiguous nature of the parcel,



143 nor shall the footage contained within the easements and  
144 rights-of-way be counted in the calculation of the distances  
145 specified in subparagraph (ii) \* \* \*;

146 (c) On a vessel as defined in Section 27-109-1 whenever  
147 such vessel is on the Mississippi River or navigable waters within  
148 any county bordering on the Mississippi River; \* \* \*

149 (d) On a vessel as defined in Section 27-109-1 whenever  
150 such vessel is on the Pearl River or an adjoining body of water  
151 within the corporate limits of a municipality with a population of  
152 one hundred forty-five thousand (145,000) or more according to the  
153 most recent federal decennial census; or

154 ( \* \* \*e) That is legal under the laws of the State of  
155 Mississippi.

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

158 97-33-1. Except as otherwise provided in Section 97-33-8, if  
159 any person shall encourage, promote or play at any game, play or  
160 amusement, other than a fight or fighting match between dogs, for  
161 money or other valuable thing, or shall wager or bet, promote or  
162 encourage the wagering or betting of any money or other valuable  
163 things, upon any game, play, amusement, cockfight, Indian ball  
164 play or duel, other than a fight or fighting match between dogs,  
165 or upon the result of any election, event or contingency whatever,  
166 upon conviction thereof, he shall be fined in a sum not more than  
167 Five Hundred Dollars (\$500.00); and, unless such fine and costs be



168 immediately paid, shall be imprisoned for any period not more than  
169 ninety (90) days. However, this section shall not apply to  
170 betting, gaming or wagering:

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

180 (b) In a structure located, in whole or in part, on  
181 shore in any of the three (3) most southern counties in the State  
182 of Mississippi in which the registered voters of the county have  
183 voted to allow such betting, gaming or wagering on cruise vessels  
184 as provided in Section 19-3-79, if:

185 (i) The structure is owned, leased or controlled  
186 by a person possessing a gaming license, as defined in Section  
187 75-76-5, to conduct legal gaming on a cruise vessel under  
188 paragraph (a) of this section;

189 (ii) The part of the structure in which licensed  
190 gaming activities are conducted is located entirely in an area  
191 which is located no more than eight hundred (800) feet from the  
192 mean high-water line (as defined in Section 29-15-1) of the waters





193 within the State of Mississippi, which lie adjacent to the State  
194 of Mississippi south of the three (3) most southern counties in  
195 the State of Mississippi, including the Mississippi Sound, St.  
196 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to  
197 Harrison County only, no farther north than the southern boundary  
198 of the right-of-way for U.S. Highway 90, whichever is greater; and

199 (iii) In the case of a structure that is located  
200 in whole or part on shore, the part of the structure in which  
201 licensed gaming activities are conducted shall lie adjacent to  
202 state waters south of the three (3) most southern counties in the  
203 State of Mississippi, including the Mississippi Sound, St. Louis  
204 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
205 structure is located consists of a parcel of real property,  
206 easements and rights-of-way for public streets and highways shall  
207 not be construed to interrupt the contiguous nature of the parcel,  
208 nor shall the footage contained within the easements and  
209 rights-of-way be counted in the calculation of the distances  
210 specified in subparagraph (ii);

211 (c) On a vessel as defined in Section 27-109-1 whenever  
212 such vessel is on the Mississippi River or navigable waters within  
213 any county bordering on the Mississippi River, and in which the  
214 registered voters of the county in which the port is located have  
215 not voted to prohibit such betting, gaming or wagering on vessels  
216 as provided in Section 19-3-79; \* \* \*



217           (d) On a vessel as defined in Section 27-109-1 whenever  
218 such vessel is on the Pearl River or an adjoining body of water  
219 within the corporate limits of a municipality with a population of  
220 one hundred forty-five thousand (145,000) or more according to the  
221 most recent federal decennial census; or

222           ( \* \* \*e) That is legal under the laws of the State of  
223 Mississippi.

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

226           97-33-7. (1) Except as otherwise provided in Section  
227 97-33-8,, it shall be unlawful for any person or persons, firm,  
228 copartnership or corporation to have in possession, own, control,  
229 display, or operate any cane rack, knife rack, artful dodger,  
230 punch board, roll down, merchandise wheel, slot machine, pinball  
231 machine, or similar device or devices. Provided, however, that  
232 this section shall not be so construed as to make unlawful the  
233 ownership, possession, control, display or operation of any  
234 antique coin machine as defined in Section 27-27-12, or any music  
235 machine or bona fide automatic vending machine where the purchaser  
236 receives exactly the same quantity of merchandise on each  
237 operation of said machine. Any slot machine other than an antique  
238 coin machine as defined in Section 27-27-12 which delivers, or is  
239 so constructed as that by operation thereof it will deliver to the  
240 operator thereof anything of value in varying quantities, in  
241 addition to the merchandise received, and any slot machine other



242 than an antique coin machine as defined in Section 27-27-12 that  
243 is constructed in such manner as that slugs, tokens, coins or  
244 similar devices are, or may be, used and delivered to the operator  
245 thereof in addition to merchandise of any sort contained in such  
246 machine, is hereby declared to be a gambling device, and shall be  
247 deemed unlawful under the provisions of this section. Provided,  
248 however, that pinball machines which do not return to the operator  
249 or player thereof anything but free additional games or plays  
250 shall not be deemed to be gambling devices, and neither this  
251 section nor any other law shall be construed to prohibit same.

252 (2) No property right shall exist in any person, natural or  
253 artificial, or be vested in such person, in any or all of the  
254 devices described herein that are not exempted from the provisions  
255 of this section; and all such devices are hereby declared to be at  
256 all times subject to confiscation and destruction, and their  
257 possession shall be unlawful, except when in the possession of  
258 officers carrying out the provisions of this section. It shall be  
259 the duty of all law enforcing officers to seize and immediately  
260 destroy all such machines and devices.

261 (3) A first violation of the provisions of this section  
262 shall be deemed a misdemeanor, and the party offending shall, upon  
263 conviction, be fined in any sum not exceeding Five Hundred Dollars  
264 (\$500.00), or imprisoned not exceeding three (3) months, or both,  
265 in the discretion of the court. In the event of a second  
266 conviction for a violation of any of the provisions of this



267 section, the party offending shall be subject to a sentence of not  
268 less than six (6) months in the county jail, nor more than two (2)  
269 years in the State Penitentiary, in the discretion of the trial  
270 court.

271 (4) Notwithstanding any provision of this section to the  
272 contrary, it shall not be unlawful to operate any equipment or  
273 device described in subsection (1) of this section or any gaming,  
274 gambling or similar device or devices by whatever name called  
275 while:

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

285 (b) In a structure located, in whole or in part, on  
286 shore in any of the three (3) most southern counties in the State  
287 of Mississippi in which the registered voters of the county have  
288 voted to allow such betting, gaming or wagering on cruise vessels  
289 as provided in Section 19-3-79, if:

290 (i) The structure is owned, leased or controlled  
291 by a person possessing a gaming license, as defined in Section



292 75-76-5, to conduct legal gaming on a cruise vessel under  
293 paragraph (a) of this subsection;

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

304 (iii) In the case of a structure that is located  
305 in whole or part on shore, the part of the structure in which  
306 licensed gaming activities are conducted shall lie adjacent to  
307 state waters south of the three (3) most southern counties in the  
308 State of Mississippi, including the Mississippi Sound, St. Louis  
309 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
310 structure is located consists of a parcel of real property,  
311 easements and rights-of-way for public streets and highways shall  
312 not be construed to interrupt the contiguous nature of the parcel,  
313 nor shall the footage contained within the easements and  
314 rights-of-way be counted in the calculation of the distances  
315 specified in subparagraph (ii);



316 (c) On a vessel as defined in Section 27-109-1 whenever  
317 such vessel is on the Mississippi River or navigable waters within  
318 any county bordering on the Mississippi River, and in which the  
319 registered voters of the county in which the port is located have  
320 not voted to prohibit such betting, gaming or wagering on vessels  
321 as provided in Section 19-3-79; \* \* \*

322 (d) On a vessel as defined in Section 27-109-1 whenever  
323 such vessel is on the Pearl River or an adjoining body of water  
324 within the corporate limits of a municipality with a population of  
325 one hundred forty-five thousand (145,000) or more according to the  
326 most recent federal decennial census; or

327 ( \* \* \*e) That is legal under the laws of the State of  
328 Mississippi.

329 (5) Notwithstanding any provision of this section to the  
330 contrary, it shall not be unlawful (a) to own, possess, repair or  
331 control any gambling device, machine or equipment in a licensed  
332 gaming establishment or on the business premises appurtenant to  
333 any such licensed gaming establishment during any period of time  
334 in which such licensed gaming establishment is being constructed,  
335 repaired, maintained or operated in this state; (b) to install any  
336 gambling device, machine or equipment in any licensed gaming  
337 establishment; (c) to possess or control any gambling device,  
338 machine or equipment during the process of procuring or  
339 transporting such device, machine or equipment for installation on  
340 any such licensed gaming establishment; or (d) to store in a



341 warehouse or other storage facility any gambling device, machine,  
342 equipment, or part thereof, regardless of whether the county or  
343 municipality in which the warehouse or storage facility is located  
344 has approved gaming aboard cruise vessels or vessels, provided  
345 that such device, machine or equipment is operated only in a  
346 county or municipality that has approved gaming aboard cruise  
347 vessels or vessels. Any gambling device, machine or equipment  
348 that is owned, possessed, controlled, installed, procured,  
349 repaired, transported or stored in accordance with this subsection  
350 shall not be subject to confiscation, seizure or destruction, and  
351 any person, firm, partnership or corporation which owns,  
352 possesses, controls, installs, procures, repairs, transports or  
353 stores any gambling device, machine or equipment in accordance  
354 with this subsection shall not be subject to any prosecution or  
355 penalty under this section. Any person constructing or repairing  
356 such cruise vessels or vessels within a municipality shall comply  
357 with all municipal ordinances protecting the general health or  
358 safety of the residents of the municipality.

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

361 97-33-17. (1) All monies exhibited for the purpose of  
362 betting or alluring persons to bet at any game, and all monies  
363 staked or betted, shall be liable to seizure by any sheriff,  
364 constable, or police officer, together with all the appliances  
365 used or kept for use in gambling, or by any other person; and all



366 the monies so seized shall be accounted for by the person making  
367 the seizure, and all appliances seized shall be destroyed;  
368 provided, however, this section shall not apply to betting, gaming  
369 or wagering on:

370 (a) A cruise vessel as defined in Section 27-109-1  
371 whenever such vessel is in the waters within the State of  
372 Mississippi, which lie adjacent to the State of Mississippi south  
373 of the three (3) most southern counties in the State of  
374 Mississippi, including the Mississippi Sound, St. Louis Bay,  
375 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
376 of the county in which the port is located have not voted to  
377 prohibit such betting, gaming or wagering on cruise vessels as  
378 provided in Section 19-3-79;

379 (b) In a structure located in whole or in part on shore  
380 in any of the three (3) most southern counties in the State of  
381 Mississippi in which the registered voters of the county have  
382 voted to allow such betting, gaming or wagering on cruise vessels  
383 as provided in Section 19-3-79, if:

384 (i) The structure is owned, leased or controlled  
385 by a person possessing a gaming license, as defined in Section  
386 75-76-5, to conduct legal gaming on a cruise vessel under  
387 paragraph (a) of this subsection;

388 (ii) The part of the structure in which licensed  
389 gaming activities are conducted is located entirely in an area  
390 which is located no more than eight hundred (800) feet from the





391 mean high-water line (as defined in Section 29-15-1) of the waters  
392 within the State of Mississippi, which lie adjacent to the State  
393 of Mississippi south of the three (3) most southern counties in  
394 the State of Mississippi, including the Mississippi Sound, St.  
395 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to  
396 Harrison County only, no farther north than the southern boundary  
397 of the right-of-way for U.S. Highway 90, whichever is greater; and

398 (iii) In the case of a structure that is located  
399 in whole or part on shore, the part of the structure in which  
400 licensed gaming activities are conducted shall lie adjacent to  
401 state waters south of the three (3) most southern counties in the  
402 State of Mississippi, including the Mississippi Sound, St. Louis  
403 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
404 structure is located consists of a parcel of real property,  
405 easements and rights-of-way for public streets and highways shall  
406 not be construed to interrupt the contiguous nature of the parcel,  
407 nor shall the footage contained within the easements and  
408 rights-of-way be counted in the calculation of the distances  
409 specified in subparagraph (ii) \* \* \*;

410 (c) A vessel as defined in Section 27-109-1 whenever  
411 such vessel is on the Mississippi River or navigable waters within  
412 any county bordering on the Mississippi River, and in which the  
413 registered voters of the county in which the port is located have  
414 not voted to prohibit such betting, gaming or wagering on vessels  
415 as provided in Section 19-3-79; \* \* \*



416 (d) On a vessel as defined in Section 27-109-1 whenever  
417 such vessel is on the Pearl River or an adjoining body of water  
418 within the corporate limits of a municipality with a population of  
419 one hundred forty-five thousand (145,000) or more according to the  
420 most recent federal decennial census; or

421 ( \* \* \*e) That is legal under the laws of the State of  
422 Mississippi.

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

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

429 97-33-25. If any person shall sell or buy, either directly  
430 or indirectly, any chance in what is commonly called pool, upon  
431 any event whatever, or shall in any manner engage in such business  
432 or pastime, he shall be fined not more than Five Hundred Dollars  
433 (\$500.00) or shall be imprisoned in the county jail not more than  
434 ninety (90) days; provided, however, this section shall not apply  
435 to betting, gaming or wagering:

436 (a) On a cruise vessel as defined in Section 27-109-1  
437 whenever such vessel is in the waters within the State of  
438 Mississippi, which lie adjacent to the State of Mississippi south  
439 of the three (3) most southern counties in the State of  
440 Mississippi, including the Mississippi Sound, St. Louis Bay,



441 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
442 of the county in which the port is located have not voted to  
443 prohibit such betting, gaming or wagering on cruise vessels as  
444 provided in Section 19-3-79;

445 (b) In a structure located in whole or in part on shore  
446 in any of the three (3) most southern counties in the State of  
447 Mississippi in which the registered voters of the county have  
448 voted to allow such betting, gaming or wagering on cruise vessels  
449 as provided in Section 19-3-79, if:

450 (i) The structure is owned, leased or controlled  
451 by a person possessing a gaming license, as defined in Section  
452 75-76-5, to conduct legal gaming on a cruise vessel under  
453 paragraph (a) of this section;

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

464 (iii) In the case of a structure that is located  
465 in whole or part on shore, the part of the structure in which



466 licensed gaming activities are conducted shall lie adjacent to  
467 state waters south of the three (3) most southern counties in the  
468 State of Mississippi, including the Mississippi Sound, St. Louis  
469 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
470 structure is located consists of a parcel of real property,  
471 easements and rights-of-way for public streets and highways shall  
472 not be construed to interrupt the contiguous nature of the parcel,  
473 nor shall the footage contained within the easements and  
474 rights-of-way be counted in the calculation of the distances  
475 specified in subparagraph (ii) \* \* \*;

476 (c) On a vessel as defined in Section 27-109-1 whenever  
477 such vessel is on the Mississippi River or navigable waters within  
478 any county bordering on the Mississippi River, and in which the  
479 registered voters of the county in which the port is located have  
480 not voted to prohibit such betting, gaming or wagering on vessels  
481 as provided in Section 19-3-79; \* \* \*

482 (d) On a vessel as defined in Section 27-109-1 whenever  
483 such vessel is on the Pearl River or an adjoining body of water  
484 within the corporate limits of a municipality with a population of  
485 one hundred forty-five thousand (145,000) or more according to the  
486 most recent federal decennial census; or

487 ( \* \* \*e) That is legal under the laws of the State of  
488 Mississippi.

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



491           97-33-27. If any person shall bet on a horse race or a yacht  
492 race or on a shooting match, he shall be fined not more than Five  
493 Hundred Dollars (\$500.00), and, unless the fine and costs be  
494 immediately paid, he shall be imprisoned in the county jail not  
495 more than ninety (90) days; provided, however, this section shall  
496 not apply to betting, gaming or wagering:

497           (a) On a cruise vessel as defined in Section 27-109-1  
498 whenever such vessel is in the waters within the State of  
499 Mississippi, which lie adjacent to the State of Mississippi south  
500 of the three (3) most southern counties in the State of  
501 Mississippi, including the Mississippi Sound, St. Louis Bay,  
502 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
503 of the county in which the port is located have not voted to  
504 prohibit such betting, gaming or wagering on cruise vessels as  
505 provided in Section 19-3-79;

506           (b) In a structure located in whole or in part on shore  
507 in any of the three (3) most southern counties in the State of  
508 Mississippi in which the registered voters of the county have  
509 voted to allow such betting, gaming or wagering on cruise vessels  
510 as provided in Section 19-3-79, if:

511           (i) The structure is owned, leased or controlled  
512 by a person possessing a gaming license, as defined in Section  
513 75-76-5, to conduct legal gaming on a cruise vessel under  
514 paragraph (a) of this section;



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

525                   (iii) In the case of a structure that is located  
526 in whole or part on shore, the part of the structure in which  
527 licensed gaming activities are conducted shall lie adjacent to  
528 state waters south of the three (3) most southern counties in the  
529 State of Mississippi, including the Mississippi Sound, St. Louis  
530 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
531 structure is located consists of a parcel of real property,  
532 easements and rights-of-way for public streets and highways shall  
533 not be construed to interrupt the contiguous nature of the parcel,  
534 nor shall the footage contained within the easements and  
535 rights-of-way be counted in the calculation of the distances  
536 specified in subparagraph (ii) \* \* \*;

537                   (c) On a vessel as defined in Section 27-109-1 whenever  
538 such vessel is on the Mississippi River or navigable waters within  
539 any county bordering on the Mississippi River, and in which the



540 registered voters of the county in which the port is located have  
541 not voted to prohibit such betting, gaming or wagering on vessels  
542 as provided in Section 19-3-79; \* \* \*

543 (d) On a vessel as defined in Section 27-109-1 whenever  
544 such vessel is on the Pearl River or an adjoining body of water  
545 within the corporate limits of a municipality with a population of  
546 one hundred forty-five thousand (145,000) or more according to the  
547 most recent federal decennial census; or

548 ( \* \* \*e) That is legal under the laws of the State of  
549 Mississippi.

550 **SECTION 8.** This act shall take effect and be in force from  
551 and after July 1, 2023.

