

By: Senator(s) Brown

To: Finance

SENATE BILL NO. 2024

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 ADJACENT TO PROPERTY UPON WHICH A CRUISE VESSEL MAY BE
 8 LOCATED THAT IS OWNED OR LEASED BY THE GAMING LICENSEE THAT SEEKS
 9 TO CONDUCT GAMING IN THE STRUCTURE AND NO PART OF THE STRUCTURE IS
 10 LOCATED MORE THAN 500 FEET FROM THE MEAN HIGH-WATER LINE OF THE
 11 WATERS WITHIN THE STATE OF MISSISSIPPI WHICH LIE ADJACENT TO THE
 12 STATE OF MISSISSIPPI SOUTH OF SUCH COUNTIES; AND FOR RELATED
 13 PURPOSES.

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

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

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

28 (a) On a cruise vessel as defined in Section 27-109-1
 29 whenever such vessel is in the waters within the State of
 30 Mississippi, which lie adjacent to the State of Mississippi south
 31 of the three (3) most southern counties in the State of
 32 Mississippi;

33 (b) In a structure in such a county that is constructed
34 on shore adjacent to property upon which a cruise vessel may be
35 located that is owned or leased by a gaming licensee if no part of
36 the structure is located more than five hundred (500) feet from
37 the mean high-water line (as defined in Section 29-15-1) of the
38 waters within the State of Mississippi, which lie adjacent to the
39 State of Mississippi south of the three (3) most southern counties
40 in the State of Mississippi;

41 (c) On a vessel as defined in Section 27-109-1 whenever
42 such vessel is on the Mississippi River or navigable waters within
43 any county bordering on the Mississippi River; or

44 (d) That is legal under the laws of the State of
45 Mississippi.

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

48 95-3-25. Any building, club, vessel, boat, place or room,
49 wherein is kept or exhibited any game or gaming table, commonly
50 called A.B.C. or E.O. roulette, or rowley-powley, or rouquetnoir,
51 roredo, keno, monte, or any faro-bank, dice, or other game, gaming
52 table, or bank of the same or like kind, or any other kind or
53 description of gambling device under any other name whatever, and
54 any such place where information is furnished for the purpose of
55 making and settling bets or wagers on any horse race, prizefight,
56 or on the outcome of any like event, or where bets or wagers are
57 arranged for, made or settled, shall be deemed to be a common
58 nuisance and may be abated by writ of injunction, issued out of a
59 court of equity upon a bill filed in the name of the state by the
60 Attorney General, or any district or county attorney, whose duty
61 requires him to prosecute criminal cases on behalf of the state in
62 the county where the nuisance is maintained, or by any citizen or
63 citizens of such county, such bill to be filed in the county in
64 which the nuisance exists. And all rules of evidence and of
65 practice and procedure that pertain to courts of equity generally

66 in this state may be invoked and applied in any injunction
67 procedure hereunder. The provisions of this section shall not
68 apply to any form of gaming or gambling that is legal under the
69 laws of the State of Mississippi or to a licensed gaming
70 establishment and shall not apply to any licensed gaming
71 establishment having on its premises any gambling device, machine
72 or equipment that is owned, possessed, controlled, installed,
73 procured, repaired or transported in accordance with subsection
74 (4) of Section 97-33-7.

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

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

90 97-33-1. If any person shall encourage, promote or play at
91 any game, play or amusement, other than a fight or fighting match
92 between dogs, for money or other valuable thing, or shall wager or
93 bet, promote or encourage the wagering or betting of any money or
94 other valuable things, upon any game, play, amusement, cockfight,
95 Indian ball play or duel, other than a fight or fighting match
96 between dogs, or upon the result of any election, event or
97 contingency whatever, upon conviction thereof, he shall be fined
98 in a sum not more than Five Hundred Dollars (\$500.00); and, unless

99 such fine and costs be immediately paid, shall be imprisoned for
100 any period not more than ninety (90) days. However, this section
101 shall not apply to betting, gaming or wagering:

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

110 (b) In a structure on shore in any of the three (3)
111 most southern counties in the State of Mississippi in which the
112 registered voters of the county have not voted to prohibit such
113 betting, gaming or wagering on cruise vessels as provided in
114 Section 19-3-79, if:

115 (i) The structure is located adjacent to property
116 upon which a cruise vessel may be located that is owned or leased
117 by the gaming licensee that seeks to conduct gaming in the
118 structure; and

119 (ii) No part of the structure is located more than
120 five hundred (500) feet from the mean high-water line (as defined
121 in Section 29-15-1) of the waters within the State of Mississippi,
122 which lie adjacent to the State of Mississippi south of the three
123 (3) most southern counties in the State of Mississippi;

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

130 (d) That is legal under the laws of the State of
131 Mississippi.

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

134 97-33-7. (1) It shall be unlawful for any person or
135 persons, firm, copartnership or corporation to have in possession,
136 own, control, display, or operate any cane rack, knife rack,
137 artful dodger, punchboard, roll down, merchandise wheel, slot
138 machine, pinball machine, or similar device or devices. Provided,
139 however, that this section shall not be so construed as to make
140 unlawful the ownership, possession, control, display or operation
141 of any antique coin machine as defined in Section 27-27-12, or any
142 music machine or bona fide automatic vending machine where the
143 purchaser receives exactly the same quantity of merchandise on
144 each operation of said machine. Any slot machine other than an
145 antique coin machine as defined in Section 27-27-12 which
146 delivers, or is so constructed as that by operation thereof it
147 will deliver to the operator thereof anything of value in varying
148 quantities, in addition to the merchandise received, and any slot
149 machine other than an antique coin machine as defined in Section
150 27-27-12 that is constructed in such manner as that slugs, tokens,
151 coins or similar devices are, or may be, used and delivered to the
152 operator thereof in addition to merchandise of any sort contained
153 in such machine, is hereby declared to be a gambling device, and
154 shall be deemed unlawful under the provisions of this section.
155 Provided, however, that pinball machines which do not return to
156 the operator or player thereof anything but free additional games
157 or plays shall not be deemed to be gambling devices, and neither
158 this section nor any other law shall be construed to prohibit
159 same.

160 (2) No property right shall exist in any person, natural or
161 artificial, or be vested in such person, in any or all of the
162 devices described herein that are not exempted from the provisions
163 of this section; and all such devices are hereby declared to be at
164 all times subject to confiscation and destruction, and their

165 possession shall be unlawful, except when in the possession of
166 officers carrying out the provisions of this section. It shall be
167 the duty of all law-enforcing officers to seize and immediately
168 destroy all such machines and devices.

169 (3) A first violation of the provisions of this section
170 shall be deemed a misdemeanor, and the party offending shall, upon
171 conviction, be fined in any sum not exceeding Five Hundred Dollars
172 (\$500.00), or imprisoned not exceeding three (3) months, or both,
173 in the discretion of the court. In the event of a second
174 conviction for a violation of any of the provisions of this
175 section, the party offending shall be subject to a sentence of not
176 less than six (6) months in the county jail, nor more than two (2)
177 years in the State Penitentiary, in the discretion of the trial
178 court.

179 (4) Notwithstanding any provision of this section to the
180 contrary, it shall not be unlawful to operate any equipment or
181 device described in subsection (1) of this section or any gaming,
182 gambling or similar device or devices by whatever name called
183 while:

184 (a) On a cruise vessel as defined in Section 27-109-1
185 whenever such vessel is in the waters within the State of
186 Mississippi, which lie adjacent to the State of Mississippi south
187 of the three (3) most southern counties in the State of
188 Mississippi, and in which the registered voters of the county in
189 which the port is located have not voted to prohibit such betting,
190 gaming or wagering on cruise vessels as provided in Section
191 19-3-79;

192 (b) In a structure on shore in any of the three (3)
193 most southern counties in the State of Mississippi in which the
194 registered voters of the county have not voted to prohibit such
195 betting, gaming or wagering on cruise vessels as provided in
196 Section 19-3-79, if:

197 (i) The structure is located adjacent to property
198 upon which a cruise vessel may be located that is owned or leased
199 by the gaming licensee that seeks to conduct gaming in the
200 structure; and

201 (ii) No part of the structure is located more than
202 five hundred (500) feet from the mean high-water line (as defined
203 in Section 29-15-1) of the waters within the State of Mississippi,
204 which lie adjacent to the State of Mississippi south of the three
205 (3) most southern counties in the State of Mississippi;

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

212 (d) That is legal under the laws of the State of
213 Mississippi.

214 (5) Notwithstanding any provision of this section to the
215 contrary, it shall not be unlawful (a) to own, possess, repair or
216 control any gambling device, machine or equipment in a licensed
217 gaming establishment or on the business premises appurtenant to
218 any such licensed gaming establishment during any period of time
219 in which such licensed gaming establishment is being constructed,
220 repaired, maintained or operated in this state; (b) to install any
221 gambling device, machine or equipment in any licensed gaming
222 establishment; (c) to possess or control any gambling device,
223 machine or equipment during the process of procuring or
224 transporting such device, machine or equipment for installation on
225 any such licensed gaming establishment; or (d) to store in a
226 warehouse or other storage facility any gambling device, machine,
227 equipment, or part thereof, regardless of whether the county or
228 municipality in which the warehouse or storage facility is located
229 has approved gaming aboard cruise vessels or vessels, provided

230 that such device, machine or equipment is operated only in a
231 county or municipality that has approved gaming aboard cruise
232 vessels or vessels. Any gambling device, machine or equipment
233 that is owned, possessed, controlled, installed, procured,
234 repaired, transported or stored in accordance with this subsection
235 shall not be subject to confiscation, seizure or destruction, and
236 any person, firm, partnership or corporation which owns,
237 possesses, controls, installs, procures, repairs, transports or
238 stores any gambling device, machine or equipment in accordance
239 with this subsection shall not be subject to any prosecution or
240 penalty under this section. Any person constructing or repairing
241 such cruise vessels or vessels within a municipality shall comply
242 with all municipal ordinances protecting the general health or
243 safety of the residents of the municipality.

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

246 97-33-17. (1) All monies exhibited for the purpose of
247 betting or alluring persons to bet at any game, and all monies
248 staked or betted, shall be liable to seizure by any sheriff,
249 constable, or police officer, together with all the appliances
250 used or kept for use in gambling, or by any other person; and all
251 the monies so seized shall be accounted for by the person making
252 the seizure, and all appliances seized shall be destroyed;
253 provided, however, this section shall not apply to betting, gaming
254 or wagering on:

255 (a) A cruise vessel as defined in Section 27-109-1
256 whenever such vessel is in the waters within the State of
257 Mississippi, which lie adjacent to the State of Mississippi south
258 of the three (3) most southern counties in the State of
259 Mississippi, and in which the registered voters of the county in
260 which the port is located have not voted to prohibit such betting,
261 gaming or wagering on cruise vessels as provided in Section
262 19-3-79;

263 (b) In a structure on shore in any of the three (3)
264 most southern counties in the State of Mississippi in which the
265 registered voters of the county have not voted to prohibit such
266 betting, gaming or wagering on cruise vessels as provided in
267 Section 19-3-79, if:

268 (i) The structure is located adjacent to property
269 upon which a cruise vessel may be located that is owned or leased
270 by the gaming licensee that seeks to conduct gaming in the
271 structure; and

272 (ii) No part of the structure is located more than
273 five hundred (500) feet from the mean high-water line (as defined
274 in Section 29-15-1) of the waters within the State of Mississippi,
275 which lie adjacent to the State of Mississippi south of the three
276 (3) most southern counties in the State of Mississippi;

277 (c) A vessel as defined in Section 27-109-1 whenever
278 such vessel is on the Mississippi River or navigable waters within
279 any county bordering on the Mississippi River, and in which the
280 registered voters of the county in which the port is located have
281 not voted to prohibit such betting, gaming or wagering on vessels
282 as provided in Section 19-3-79; or

283 (d) That is legal under the laws of the State of
284 Mississippi.

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

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

291 97-33-25. If any person shall sell or buy, either directly
292 or indirectly, any chance in what is commonly called pool, upon
293 any event whatever, or shall in any manner engage in such business
294 or pastime, he shall be fined not more than Five Hundred Dollars
295 (\$500.00) or shall be imprisoned in the county jail not more than

296 ninety (90) days; provided, however, this section shall not apply
297 to betting, gaming or wagering:

298 (a) On a cruise vessel as defined in Section 27-109-1
299 whenever such vessel is in the waters within the State of
300 Mississippi, which lie adjacent to the State of Mississippi south
301 of the three (3) most southern counties in the State of
302 Mississippi, and in which the registered voters of the county in
303 which the port is located have not voted to prohibit such betting,
304 gaming or wagering on cruise vessels as provided in Section
305 19-3-79;

306 (b) In a structure on shore in any of the three (3)
307 most southern counties in the State of Mississippi in which the
308 registered voters of the county have not voted to prohibit such
309 betting, gaming or wagering on cruise vessels as provided in
310 Section 19-3-79, if:

311 (i) The structure is located adjacent to property
312 upon which a cruise vessel may be located that is owned or leased
313 by the gaming licensee that seeks to conduct gaming in the
314 structure; and

315 (ii) No part of the structure is located more than
316 five hundred (500) feet from the mean high-water line (as defined
317 in Section 29-15-1) of the waters within the State of Mississippi,
318 which lie adjacent to the State of Mississippi south of the three
319 (3) most southern counties in the State of Mississippi;

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

326 (d) That is legal under the laws of the State of
327 Mississippi.

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

330 97-33-27. If any person shall bet on a horse race or a yacht
331 race or on a shooting match, he shall be fined not more than Five
332 Hundred Dollars (\$500.00), and, unless the fine and costs be
333 immediately paid, he shall be imprisoned in the county jail not
334 more than ninety (90) days; provided, however, this section shall
335 not apply to betting, gaming or wagering:

336 (a) On a cruise vessel as defined in Section 27-109-1
337 whenever such vessel is in the waters within the State of
338 Mississippi, which lie adjacent to the State of Mississippi south
339 of the three (3) most southern counties in the State of
340 Mississippi, and in which the registered voters of the county in
341 which the port is located have not voted to prohibit such betting,
342 gaming or wagering on cruise vessels as provided in Section
343 19-3-79;

344 (b) In a structure on shore in any of the three (3)
345 most southern counties in the State of Mississippi in which the
346 registered voters of the county have not voted to prohibit such
347 betting, gaming or wagering on cruise vessels as provided in
348 Section 19-3-79, if:

349 (i) The structure is located adjacent to property
350 upon which a cruise vessel may be located that is owned or leased
351 by the gaming licensee that seeks to conduct gaming in the
352 structure; and

353 (ii) No part of the structure is located more than
354 five hundred (500) feet from the mean high-water line (as defined
355 in Section 29-15-1) of the waters within the State of Mississippi,
356 which lie adjacent to the State of Mississippi south of the three
357 (3) most southern counties in the State of Mississippi;

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

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

364 (d) That is legal under the laws of the State of
365 Mississippi.

366 **SECTION 8.** This act shall take effect and be in force from
367 and after its passage.