

By: Representatives Moore, Formby

To: Gaming

HOUSE BILL NO. 586

1 AN ACT TO AMEND SECTIONS 87-1-5, 97-33-1, 97-33-7, 97-33-17,
2 97-33-25 AND 97-33-27, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT,
3 WHERE THE GEOGRAPHICAL AREA IN WHICH LICENSED GAMING ACTIVITIES
4 MAY BE CONDUCTED IN A STRUCTURE IN HARRISON COUNTY IS RELATED TO
5 CERTAIN DISTANCES FROM U.S. HIGHWAY 90, THE DISTANCES OF ANY
6 BOUNDARIES AND RIGHTS-OF-WAY PERTAINING TO THE HIGHWAY SHALL BE
7 LIMITED STRICTLY TO THOSE APPLYING TO THE LOCATION OF THE HIGHWAY
8 AS IT EXISTED ON AUGUST 28, 2005; AND FOR RELATED PURPOSES.

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

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

12 87-1-5. If any person, by playing at any game whatever, or
13 by betting on the sides or hands of such as do play at any game,
14 or by betting on any horse race or cockfight, or at any other
15 sport or pastime, or by any wager whatever, shall lose any money,
16 property, or other valuable thing, real or personal, and shall pay
17 or deliver the same or any part thereof, the person so losing and
18 paying or delivering the same, or his wife or children, may sue
19 for and recover such money, property, or other valuable thing so
20 lost and paid or delivered, or any part thereof, from the person
21 knowingly receiving the same, with costs. However, this section
22 shall not apply to betting, gaming or wagering:

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

29 (b) In a structure located in whole or in part on shore
30 in any of the three (3) most southern counties in the State of

31 Mississippi in which the registered voters of the county have
32 voted to allow such betting, gaming or wagering on cruise vessels
33 as provided in Section 19-3-79, if:

34 (i) The structure is owned, leased or controlled
35 by a person possessing a gaming license, as defined in Section
36 75-76-5, to conduct legal gaming on a cruise vessel under
37 paragraph (a) of this section;

38 (ii) The part of the structure in which licensed
39 gaming activities are conducted is located entirely in an area
40 which is located no more than eight hundred (800) feet from the
41 mean high-water line (as defined in Section 29-15-1) of the waters
42 within the State of Mississippi, which lie adjacent to the State
43 of Mississippi south of the three (3) most southern counties in
44 the State of Mississippi, including the Mississippi Sound, St.
45 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
46 Harrison County only, no farther north than the southern boundary
47 of the right-of-way for U.S. Highway 90 (with the distances of the
48 boundaries and rights-of-way pertaining to the highway limited
49 strictly to those applying to the location of the highway as it
50 existed on August 28, 2005), whichever is greater; and

51 (iii) In the case of a structure that is located
52 in whole or part on shore, the part of the structure in which
53 licensed gaming activities are conducted shall lie adjacent to
54 state waters south of the three (3) most southern counties in the
55 State of Mississippi, including the Mississippi Sound, St. Louis
56 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
57 structure is located consists of a parcel of real property,
58 easements and rights-of-way for public streets and highways shall
59 not be construed to interrupt the contiguous nature of the parcel,
60 nor shall the footage contained within the easements and
61 rights-of-way be counted in the calculation of the distances
62 specified in subparagraph (ii).

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

66 (d) That is legal under the laws of the State of
67 Mississippi.

68 **SECTION 2.** Section 97-33-1, Mississippi Code of 1972, is
69 amended as follows:

70 97-33-1. If any person shall encourage, promote or play at
71 any game, play or amusement, other than a fight or fighting match
72 between dogs, for money or other valuable thing, or shall wager or
73 bet, promote or encourage the wagering or betting of any money or
74 other valuable things, upon any game, play, amusement, cockfight,
75 Indian ball play or duel, other than a fight or fighting match
76 between dogs, or upon the result of any election, event or
77 contingency whatever, upon conviction thereof, he shall be fined
78 in a sum not more than Five Hundred Dollars (\$500.00); and, unless
79 such fine and costs be immediately paid, shall be imprisoned for
80 any period not more than ninety (90) days. However, this section
81 shall not apply to betting, gaming or wagering:

82 (a) On a cruise vessel as defined in Section 27-109-1
83 whenever such vessel is in the waters within the State of
84 Mississippi, which lie adjacent to the State of Mississippi south
85 of the three (3) most southern counties in the State of
86 Mississippi, including the Mississippi Sound, St. Louis Bay,
87 Biloxi Bay and Pascagoula Bay, and in which the registered voters
88 of the county in which the port is located have not voted to
89 prohibit such betting, gaming or wagering on cruise vessels as
90 provided in Section 19-3-79;

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

96 (i) The structure is owned, leased or controlled
97 by a person possessing a gaming license, as defined in Section
98 75-76-5, to conduct legal gaming on a cruise vessel under
99 paragraph (a) of this section;

100 (ii) The part of the structure in which licensed
101 gaming activities are conducted is located entirely in an area
102 which is located no more than eight hundred (800) feet from the
103 mean high-water line (as defined in Section 29-15-1) of the waters
104 within the State of Mississippi, which lie adjacent to the State
105 of Mississippi south of the three (3) most southern counties in
106 the State of Mississippi, including the Mississippi Sound, St.
107 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
108 Harrison County only, no farther north than the southern boundary
109 of the right-of-way for U.S. Highway 90 (with the distances of the
110 boundaries and rights-of-way pertaining to the highway limited
111 strictly to those applying to the location of the highway as it
112 existed on August 28, 2005), whichever is greater; and

113 (iii) In the case of a structure that is located
114 in whole or part on shore, the part of the structure in which
115 licensed gaming activities are conducted shall lie adjacent to
116 state waters south of the three (3) most southern counties in the
117 State of Mississippi, including the Mississippi Sound, St. Louis
118 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
119 structure is located consists of a parcel of real property,
120 easements and rights-of-way for public streets and highways shall
121 not be construed to interrupt the contiguous nature of the parcel,
122 nor shall the footage contained within the easements and
123 rights-of-way be counted in the calculation of the distances
124 specified in subparagraph (ii).

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

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

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

133 **SECTION 3.** Section 97-33-7, Mississippi Code of 1972, is
134 amended as follows:

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

161 (2) No property right shall exist in any person, natural or
162 artificial, or be vested in such person, in any or all of the
163 devices described herein that are not exempted from the provisions
164 of this section; and all such devices are hereby declared to be at
165 all times subject to confiscation and destruction, and their
166 possession shall be unlawful, except when in the possession of
167 officers carrying out the provisions of this section. It shall be
168 the duty of all law-enforcing officers to seize and immediately
169 destroy all such machines and devices.

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

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

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

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

199 (i) The structure is owned, leased or controlled
200 by a person possessing a gaming license, as defined in Section
201 75-76-5, to conduct legal gaming on a cruise vessel under
202 paragraph (a) of this subsection;

203 (ii) The part of the structure in which licensed
204 gaming activities are conducted is located entirely in an area
205 which is located no more than eight hundred (800) feet from the
206 mean high-water line (as defined in Section 29-15-1) of the waters
207 within the State of Mississippi, which lie adjacent to the State
208 of Mississippi south of the three (3) most southern counties in
209 the State of Mississippi, including the Mississippi Sound, St.
210 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
211 Harrison County only, no farther north than the southern boundary
212 of the right-of-way for U.S. Highway 90 (with the distances of the
213 boundaries and rights-of-way pertaining to the highway limited
214 strictly to those applying to the location of the highway as it
215 existed on August 28, 2005), whichever is greater; and

216 (iii) In the case of a structure that is located
217 in whole or part on shore, the part of the structure in which
218 licensed gaming activities are conducted shall lie adjacent to
219 state waters south of the three (3) most southern counties in the
220 State of Mississippi, including the Mississippi Sound, St. Louis
221 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
222 structure is located consists of a parcel of real property,
223 easements and rights-of-way for public streets and highways shall
224 not be construed to interrupt the contiguous nature of the parcel,
225 nor shall the footage contained within the easements and

226 rights-of-way be counted in the calculation of the distances
227 specified in subparagraph (ii).

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

234 (d) That is legal under the laws of the State of
235 Mississippi.

236 (5) Notwithstanding any provision of this section to the
237 contrary, it shall not be unlawful (a) to own, possess, repair or
238 control any gambling device, machine or equipment in a licensed
239 gaming establishment or on the business premises appurtenant to
240 any such licensed gaming establishment during any period of time
241 in which such licensed gaming establishment is being constructed,
242 repaired, maintained or operated in this state; (b) to install any
243 gambling device, machine or equipment in any licensed gaming
244 establishment; (c) to possess or control any gambling device,
245 machine or equipment during the process of procuring or
246 transporting such device, machine or equipment for installation on
247 any such licensed gaming establishment; or (d) to store in a
248 warehouse or other storage facility any gambling device, machine,
249 equipment, or part thereof, regardless of whether the county or
250 municipality in which the warehouse or storage facility is located
251 has approved gaming aboard cruise vessels or vessels, provided
252 that such device, machine or equipment is operated only in a
253 county or municipality that has approved gaming aboard cruise
254 vessels or vessels. Any gambling device, machine or equipment
255 that is owned, possessed, controlled, installed, procured,
256 repaired, transported or stored in accordance with this subsection
257 shall not be subject to confiscation, seizure or destruction, and
258 any person, firm, partnership or corporation which owns,

259 possesses, controls, installs, procures, repairs, transports or
260 stores any gambling device, machine or equipment in accordance
261 with this subsection shall not be subject to any prosecution or
262 penalty under this section. Any person constructing or repairing
263 such cruise vessels or vessels within a municipality shall comply
264 with all municipal ordinances protecting the general health or
265 safety of the residents of the municipality.

266 **SECTION 4.** Section 97-33-17, Mississippi Code of 1972, is
267 amended as follows:

268 97-33-17. (1) All monies exhibited for the purpose of
269 betting or alluring persons to bet at any game, and all monies
270 staked or betted, shall be liable to seizure by any sheriff,
271 constable, or police officer, together with all the appliances
272 used or kept for use in gambling, or by any other person; and all
273 the monies so seized shall be accounted for by the person making
274 the seizure, and all appliances seized shall be destroyed;
275 provided, however, this section shall not apply to betting, gaming
276 or wagering on:

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

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

291 (i) The structure is owned, leased or controlled
292 by a person possessing a gaming license, as defined in Section
293 75-76-5, to conduct legal gaming on a cruise vessel under
294 paragraph (a) of this subsection;

295 (ii) The part of the structure in which licensed
296 gaming activities are conducted is located entirely in an area
297 which is located no more than eight hundred (800) feet from the
298 mean high-water line (as defined in Section 29-15-1) of the waters
299 within the State of Mississippi, which lie adjacent to the State
300 of Mississippi south of the three (3) most southern counties in
301 the State of Mississippi, including the Mississippi Sound, St.
302 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
303 Harrison County only, no farther north than the southern boundary
304 of the right-of-way for U.S. Highway 90 (with the distances of the
305 boundaries and rights-of-way pertaining to the highway limited
306 strictly to those applying to the location of the highway as it
307 existed on August 28, 2005), whichever is greater; and

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

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

332 **SECTION 5.** Section 97-33-25, Mississippi Code of 1972, is
333 amended as follows:

334 97-33-25. If any person shall sell or buy, either directly
335 or indirectly, any chance in what is commonly called pool, upon
336 any event whatever, or shall in any manner engage in such business
337 or pastime, he shall be fined not more than Five Hundred Dollars
338 (\$500.00) or shall be imprisoned in the county jail not more than
339 ninety (90) days; provided, however, this section shall not apply
340 to betting, gaming or wagering:

341 (a) On a cruise vessel as defined in Section 27-109-1
342 whenever such vessel is in the waters within the State of
343 Mississippi, which lie adjacent to the State of Mississippi south
344 of the three (3) most southern counties in the State of
345 Mississippi, including the Mississippi Sound, St. Louis Bay,
346 Biloxi Bay and Pascagoula Bay, and in which the registered voters
347 of the county in which the port is located have not voted to
348 prohibit such betting, gaming or wagering on cruise vessels as
349 provided in Section 19-3-79;

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

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

357 75-76-5, to conduct legal gaming on a cruise vessel under
358 paragraph (a) of this section;

359 (ii) The part of the structure in which licensed
360 gaming activities are conducted is located entirely in an area
361 which is located no more than eight hundred (800) feet from the
362 mean high-water line (as defined in Section 29-15-1) of the waters
363 within the State of Mississippi, which lie adjacent to the State
364 of Mississippi south of the three (3) most southern counties in
365 the State of Mississippi, including the Mississippi Sound, St.
366 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
367 Harrison County only, no farther north than the southern boundary
368 of the right-of-way for U.S. Highway 90 (with the distances of the
369 boundaries and rights-of-way pertaining to the highway limited
370 strictly to those applying to the location of the highway as it
371 existed on August 28, 2005), whichever is greater; and

372 (iii) In the case of a structure that is located
373 in whole or part on shore, the part of the structure in which
374 licensed gaming activities are conducted shall lie adjacent to
375 state waters south of the three (3) most southern counties in the
376 State of Mississippi, including the Mississippi Sound, St. Louis
377 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
378 structure is located consists of a parcel of real property,
379 easements and rights-of-way for public streets and highways shall
380 not be construed to interrupt the contiguous nature of the parcel,
381 nor shall the footage contained within the easements and
382 rights-of-way be counted in the calculation of the distances
383 specified in subparagraph (ii).

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

390 (d) That is legal under the laws of the State of
391 Mississippi.

392 **SECTION 6.** Section 97-33-27, Mississippi Code of 1972, is
393 amended as follows:

394 97-33-27. If any person shall bet on a horse race or a yacht
395 race or on a shooting match, he shall be fined not more than Five
396 Hundred Dollars (\$500.00), and, unless the fine and costs be
397 immediately paid, he shall be imprisoned in the county jail not
398 more than ninety (90) days; provided, however, this section shall
399 not apply to betting, gaming or wagering:

400 (a) On a cruise vessel as defined in Section 27-109-1
401 whenever such vessel is in the waters within the State of
402 Mississippi, which lie adjacent to the State of Mississippi south
403 of the three (3) most southern counties in the State of
404 Mississippi, including the Mississippi Sound, St. Louis Bay,
405 Biloxi Bay and Pascagoula Bay, and in which the registered voters
406 of the county in which the port is located have not voted to
407 prohibit such betting, gaming or wagering on cruise vessels as
408 provided in Section 19-3-79;

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

414 (i) The structure is owned, leased or controlled
415 by a person possessing a gaming license, as defined in Section
416 75-76-5, to conduct legal gaming on a cruise vessel under
417 paragraph (a) of this section;

418 (ii) The part of the structure in which licensed
419 gaming activities are conducted is located entirely in an area
420 which is located no more than eight hundred (800) feet from the
421 mean high-water line (as defined in Section 29-15-1) of the waters
422 within the State of Mississippi, which lie adjacent to the State

423 of Mississippi south of the three (3) most southern counties in
424 the State of Mississippi, including the Mississippi Sound, St.
425 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
426 Harrison County only, no farther north than the southern boundary
427 of the right-of-way for U.S. Highway 90 (with the distances of the
428 boundaries and rights-of-way pertaining to the highway limited
429 strictly to those applying to the location of the highway as it
430 existed on August 28, 2005), whichever is greater; and

431 (iii) In the case of a structure that is located
432 in whole or part on shore, the part of the structure in which
433 licensed gaming activities are conducted shall lie adjacent to
434 state waters south of the three (3) most southern counties in the
435 State of Mississippi, including the Mississippi Sound, St. Louis
436 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
437 structure is located consists of a parcel of real property,
438 easements and rights-of-way for public streets and highways shall
439 not be construed to interrupt the contiguous nature of the parcel,
440 nor shall the footage contained within the easements and
441 rights-of-way be counted in the calculation of the distances
442 specified in subparagraph (ii).

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

449 (d) That is legal under the laws of the State of
450 Mississippi.

451 **SECTION 7.** This act shall take effect and be in force from
452 and after July 1, 2007.