

By: Representatives Bennett, Ladner

To: Gaming

HOUSE BILL NO. 922

1 AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO SELL CARDS,
 2 TOKENS, CHIPS OR SIMILAR ITEMS, THAT ENTITLE A BUYER TO LONG
 3 DISTANCE TELEPHONE SERVICE OR OTHER FORMS OF SERVICE, AND THAT ARE
 4 ATTACHED TO, ACCOMPANIED BY OR PART OF A SCRATCH PAD, BAR CODE OR
 5 SIMILAR ITEM THAT THE BUYER MAY USE TO WIN, REDEEM OR OTHERWISE
 6 OBTAIN ANYTHING OF VALUE GREATER THAN THE AMOUNT PAID FOR THE
 7 CARD, TOKEN, CHIP OR OTHER ITEM; TO REQUIRE THE STATE GAMING
 8 COMMISSION TO ESTABLISH AND MAINTAIN A TOLL-FREE TELEPHONE NUMBER
 9 FOR THE PURPOSE OF RECEIVING REPORTS OF ILLEGAL GAMBLING
 10 ACTIVITIES; TO AMEND SECTIONS 97-33-1, 97-33-7, 97-33-9 AND
 11 75-76-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE
 12 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** It shall be unlawful for any person to sell
 15 cards, tokens, chips or similar items, that entitle a buyer to
 16 long distance telephone service or other forms of service, and
 17 that are attached to, accompanied by or part of a scratch pad, bar
 18 code or similar item that the buyer may use to win, redeem or
 19 otherwise obtain anything of value greater than the amount paid
 20 for the card, token, chip or other item, and such a sale shall
 21 constitute an illegal gambling activity. Any person convicted of
 22 a violation of this section shall be punished as provided for in
 23 this chapter. The provisions of this section shall not apply to



24 any prizes or sweepstakes that may be offered by vendors or
25 retailers associated with the purchase of food or beverages.

26 **SECTION 2.** The commission shall establish and maintain a
27 toll-free telephone number for the purpose of receiving reports
28 from individuals of illegal gambling activities. The commission
29 shall make available the number for posting in conspicuous places
30 throughout this state.

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

33 97-33-1. Except as otherwise provided in Section 97-33-8, if
34 any person shall encourage, promote or play at any game,
35 play * * *, amusement or other illegal gambling activity, other
36 than a fight or fighting match between dogs, for money or other
37 valuable thing, or shall wager or bet, promote or encourage the
38 wagering or betting of any money or other valuable things, upon
39 any game, play, amusement, cockfight, Indian ball play * * *,
40 duel, other than a fight or fighting match between dogs, or other
41 illegal gambling activity, or upon the result of any election,
42 event or contingency whatever, upon conviction thereof, he shall
43 be fined in a sum not more than Five Hundred Dollars (\$500.00);
44 and, unless such fine and costs be immediately paid, shall be
45 imprisoned for any period not more than ninety (90) days.
46 However, this section shall not apply to betting, gaming or
47 wagering:



48 (a) On a cruise vessel as defined in Section 27-109-1
49 whenever such vessel is in the waters within the State of
50 Mississippi, which lie adjacent to the State of Mississippi south
51 of the three (3) most southern counties in the State of
52 Mississippi, including the Mississippi Sound, St. Louis Bay,
53 Biloxi Bay and Pascagoula Bay, and in which the registered voters
54 of the county in which the port is located have not voted to
55 prohibit such betting, gaming or wagering on cruise vessels as
56 provided in Section 19-3-79;

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

62 (i) The structure is owned, leased or controlled
63 by a person possessing a gaming license, as defined in Section
64 75-76-5, to conduct legal gaming on a cruise vessel under
65 paragraph (a) of this section;

66 (ii) The part of the structure in which licensed
67 gaming activities are conducted is located entirely in an area
68 which is located no more than eight hundred (800) feet from the
69 mean high-water line (as defined in Section 29-15-1) of the waters
70 within the State of Mississippi, which lie adjacent to the State
71 of Mississippi south of the three (3) most southern counties in
72 the State of Mississippi, including the Mississippi Sound, St.



73 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
74 Harrison County only, no farther north than the southern boundary
75 of the right-of-way for U.S. Highway 90, whichever is greater; and

76 (iii) In the case of a structure that is located
77 in whole or part on shore, the part of the structure in which
78 licensed gaming activities are conducted shall lie adjacent to
79 state waters south of the three (3) most southern counties in the
80 State of Mississippi, including the Mississippi Sound, St. Louis
81 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
82 structure is located consists of a parcel of real property,
83 easements and rights-of-way for public streets and highways shall
84 not be construed to interrupt the contiguous nature of the parcel,
85 nor shall the footage contained within the easements and
86 rights-of-way be counted in the calculation of the distances
87 specified in subparagraph (ii);

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

94 (d) That is legal under the laws of the State of
95 Mississippi.

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



98 97-33-7. (1) Except as otherwise provided in Section
99 97-33-8, it shall be unlawful for any person or persons, firm,
100 copartnership or corporation to have in possession, own, control,
101 display, or operate any cane rack, knife rack, artful dodger,
102 punch board, roll down, merchandise wheel, slot machine, pinball
103 machine, or similar device or devices, or for any person to
104 possess with intent to sell cards, tokens, chips or other items
105 described in Section 1 of this act. * * * This section shall not
106 be so construed as to make unlawful the ownership, possession,
107 control, display or operation of any antique coin machine as
108 defined in Section 27-27-12, or any music machine or bona fide
109 automatic vending machine where the purchaser receives exactly the
110 same quantity of merchandise on each operation of said machine.
111 Any slot machine other than an antique coin machine as defined in
112 Section 27-27-12 which delivers, or is so constructed as that by
113 operation thereof it will deliver to the operator thereof anything
114 of value in varying quantities, in addition to the merchandise
115 received, and any slot machine other than an antique coin machine
116 as defined in Section 27-27-12 that is constructed in such manner
117 as that slugs, tokens, coins or similar devices are, or may be,
118 used and delivered to the operator thereof in addition to
119 merchandise of any sort contained in such machine, is hereby
120 declared to be a gambling device, and shall be deemed unlawful
121 under the provisions of this section. * * * However, * * *
122 pinball machines which do not return to the operator or player



123 thereof anything but free additional games or plays shall not be
124 deemed to be gambling devices, and neither this section nor any
125 other law shall be construed to prohibit same.

126 (2) No property right shall exist in any person, natural or
127 artificial, or be vested in such person, in any or all of the
128 devices described herein that are not exempted from the provisions
129 of this section; and all such devices are hereby declared to be at
130 all times subject to confiscation and destruction, and their
131 possession shall be unlawful, except when in the possession of
132 officers carrying out the provisions of this section. It shall be
133 the duty of all law enforcing officers to seize and immediately
134 destroy all such machines and devices.

135 (3) A first violation of the provisions of this section
136 shall be deemed a misdemeanor, and the party offending shall, upon
137 conviction, be fined in any sum not exceeding Five Hundred Dollars
138 (\$500.00), or imprisoned not exceeding three (3) months, or both,
139 in the discretion of the court. In the event of a second
140 conviction for a violation of any of the provisions of this
141 section, the party offending shall be subject to a sentence of not
142 less than six (6) months in the county jail, nor more than two (2)
143 years in the State Penitentiary, in the discretion of the trial
144 court.

145 (4) Notwithstanding any provision of this section to the
146 contrary, it shall not be unlawful to operate any equipment or
147 device described in subsection (1) of this section or any gaming,



148 gambling or similar device or devices by whatever name
149 called * * *:

150 (a) * * * While on a cruise vessel as defined in
151 Section 27-109-1 whenever such vessel is in the waters within the
152 State of Mississippi, which lie adjacent to the State of
153 Mississippi south of the three (3) most southern counties in the
154 State of Mississippi, including the Mississippi Sound, St. Louis
155 Bay, Biloxi Bay and Pascagoula Bay, and in which the registered
156 voters of the county in which the port is located have not voted
157 to prohibit such betting, gaming or wagering on cruise vessels as
158 provided in Section 19-3-79;

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

164 (i) The structure is owned, leased or controlled
165 by a person possessing a gaming license, as defined in Section
166 75-76-5, to conduct legal gaming on a cruise vessel under
167 paragraph (a) of this subsection;

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



173 of Mississippi south of the three (3) most southern counties in
174 the State of Mississippi, including the Mississippi Sound, St.
175 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
176 Harrison County only, no farther north than the southern boundary
177 of the right-of-way for U.S. Highway 90, whichever is greater; and

178 (iii) In the case of a structure that is located
179 in whole or part on shore, the part of the structure in which
180 licensed gaming activities are conducted shall lie adjacent to
181 state waters south of the three (3) most southern counties in the
182 State of Mississippi, including the Mississippi Sound, St. Louis
183 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
184 structure is located consists of a parcel of real property,
185 easements and rights-of-way for public streets and highways shall
186 not be construed to interrupt the contiguous nature of the parcel,
187 nor shall the footage contained within the easements and
188 rights-of-way be counted in the calculation of the distances
189 specified in subparagraph (ii);

190 (c) * * * While on a vessel as defined in Section
191 27-109-1 whenever such vessel is on the Mississippi River or
192 navigable waters within any county bordering on the Mississippi
193 River, and in which the registered voters of the county in which
194 the port is located have not voted to prohibit such betting,
195 gaming or wagering on vessels as provided in Section 19-3-79; or

196 (d) That is legal under the laws of the State of
197 Mississippi.



198 (5) Notwithstanding any provision of this section to the
199 contrary, it shall not be unlawful (a) to own, possess, repair or
200 control any gambling device, machine or equipment in a licensed
201 gaming establishment or on the business premises appurtenant to
202 any such licensed gaming establishment during any period of time
203 in which such licensed gaming establishment is being constructed,
204 repaired, maintained or operated in this state; (b) to install any
205 gambling device, machine or equipment in any licensed gaming
206 establishment; (c) to possess or control any gambling device,
207 machine or equipment during the process of procuring or
208 transporting such device, machine or equipment for installation on
209 any such licensed gaming establishment; or (d) to store in a
210 warehouse or other storage facility any gambling device, machine,
211 equipment, or part thereof, regardless of whether the county or
212 municipality in which the warehouse or storage facility is located
213 has approved gaming aboard cruise vessels or vessels, provided
214 that such device, machine or equipment is operated only in a
215 county or municipality that has approved gaming aboard cruise
216 vessels or vessels. Any gambling device, machine or equipment
217 that is owned, possessed, controlled, installed, procured,
218 repaired, transported or stored in accordance with this subsection
219 shall not be subject to confiscation, seizure or destruction, and
220 any person, firm, partnership or corporation which owns,
221 possesses, controls, installs, procures, repairs, transports or
222 stores any gambling device, machine or equipment in accordance



223 with this subsection shall not be subject to any prosecution or
224 penalty under this section. Any person constructing or repairing
225 such cruise vessels or vessels within a municipality shall comply
226 with all municipal ordinances protecting the general health or
227 safety of the residents of the municipality.

228 **SECTION 5.** Section 97-33-9, Mississippi Code of 1972, is
229 amended as follows:

230 97-33-9. Except as otherwise provided in Section 97-33-8, if
231 any person shall be guilty of selling cards, tokens, chips or
232 other items described in Section 1 of this act, keeping or
233 exhibiting any game or gaming table commonly called A.B.C. or E.O.
234 roulette or rowley-powley, or rouge et noir, roredo, keno, monte,
235 or any faro-bank, or other game, gaming table, or bank of the same
236 or like kind or any other kind or description under any other name
237 whatever, or shall be in any manner either directly or indirectly
238 interested or concerned in any gaming tables, banks, or games,
239 either by furnishing money or articles for the purpose of carrying
240 on the same, being interested in the loss or gain of said table,
241 bank or games, or employed in any manner in conducting, carrying
242 on, or exhibiting said gaming tables, games, or banks, every
243 person so offending and being thereof convicted, shall be fined
244 not less than Twenty-five Dollars (\$25.00) nor more than Two
245 Thousand Dollars (\$2,000.00), or be imprisoned in the county jail
246 not longer than two (2) months, or by both such fine and
247 imprisonment, in the discretion of the court. Nothing in this



248 section shall apply to any person who owns, possesses, controls,
249 installs, procures, repairs or transports any gambling device,
250 machine or equipment in accordance with subsection (4) of Section
251 97-33-7 or Section 75-76-34.

252 **SECTION 6.** Section 75-76-5, Mississippi Code of 1972, is
253 amended as follows:

254 75-76-5. As used in this chapter, unless the context
255 requires otherwise:

256 (a) "Applicant" means any person who has applied for or
257 is about to apply for a state gaming license, registration or
258 finding of suitability under the provisions of this chapter or
259 approval of any act or transaction for which approval is required
260 or permitted under the provisions of this chapter.

261 (b) "Application" means a request for the issuance of a
262 state gaming license, registration or finding of suitability under
263 the provisions of this chapter or for approval of any act or
264 transaction for which approval is required or permitted under the
265 provisions of this chapter but does not include any supplemental
266 forms or information that may be required with the application.

267 (c) "Associated equipment" means any equipment or
268 mechanical, electromechanical or electronic contrivance, component
269 or machine used remotely or directly in connection with gaming or
270 with any game, race book or sports pool that would not otherwise
271 be classified as a gaming device, including dice, playing cards,
272 links which connect to progressive slot machines, equipment which



273 affects the proper reporting of gross revenue, computerized
274 systems of betting at a race book or sports pool, computerized
275 systems for monitoring slot machines, and devices for weighing or
276 counting money.

277 (d) "Chairman" means the Chairman of the Mississippi
278 Gaming Commission except when used in the term "Chairman of the
279 State Tax Commission." "Chairman of the State Tax Commission" or
280 "commissioner" means the Commissioner of Revenue of the Department
281 of Revenue.

282 (e) "Commission" or "Mississippi Gaming Commission"
283 means the Mississippi Gaming Commission.

284 (f) "Commission member" means a member of the
285 Mississippi Gaming Commission.

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

290 (h) "Enforcement division" means a particular division
291 supervised by the executive director that provides enforcement
292 functions.

293 (i) "Establishment" means any premises wherein or
294 whereon any gaming is done.

295 (j) "Executive director" means the Executive Director
296 of the Mississippi Gaming Commission.



297 (k) Except as otherwise provided by law, "game," or
298 "gambling game" means any banking or percentage game played with
299 cards, with dice or with any mechanical, electromechanical or
300 electronic device or machine for money, property, checks, credit
301 or any representative of value, including, without limiting, the
302 generality of the foregoing, faro, monte, roulette, keno, fan-tan,
303 twenty-one, blackjack, seven-and-a-half, big injun, klondike,
304 craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de
305 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,
306 or any other game or device approved by the commission. However,
307 "game" or "gambling game" shall not include (i) bingo games or
308 raffles which are held pursuant to the provisions of Section
309 97-33-51, * * * (ii) the illegal gambling activities described in
310 Section 97-33-8, or (iii) the sale of items such as cards, tokens,
311 chips or similar items in a manner that is prohibited by Section 1
312 of this act.

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

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

319 (m) "Gaming device" means any mechanical,
320 electromechanical or electronic contrivance, component or machine
321 used in connection with gaming or any game which affects the



322 result of a wager by determining win or loss. The term includes a
323 system for processing information which can alter the normal
324 criteria of random selection, which affects the operation of any
325 game, or which determines the outcome of a game. The term does
326 not include a system or device which affects a game solely by
327 stopping its operation so that the outcome remains undetermined,
328 and does not include any antique coin machine as defined in
329 Section 27-27-12.

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

- 333 (i) Boxmen;
- 334 (ii) Cashiers;
- 335 (iii) Change personnel;
- 336 (iv) Counting room personnel;
- 337 (v) Dealers;
- 338 (vi) Floormen;
- 339 (vii) Hosts or other persons empowered to extend
340 credit or complimentary services;
- 341 (viii) Keno runners;
- 342 (ix) Keno writers;
- 343 (x) Machine mechanics;
- 344 (xi) Security personnel;
- 345 (xii) Shift or pit bosses;
- 346 (xiii) Shills;



347 (xiv) Supervisors or managers; and

348 (xv) Ticket writers.

349 The term "gaming employee" also includes employees of
350 manufacturers or distributors of gaming equipment within this
351 state whose duties are directly involved with the manufacture,
352 repair or distribution of gaming equipment.

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

356 (o) "Gaming license" means any license issued by the
357 state which authorizes the person named therein to engage in
358 gaming.

359 (p) "Gross revenue" means the total of all of the
360 following, less the total of all cash paid out as losses to
361 patrons and those amounts paid to purchase annuities to fund
362 losses paid to patrons over several years by independent financial
363 institutions:

364 (i) Cash received as winnings;

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

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

369 For the purposes of this definition, cash or the value of
370 noncash prizes awarded to patrons in a contest or tournament are
371 not losses.



372 The term does not include:

373 (i) Counterfeit money or tokens;

374 (ii) Coins of other countries which are received
375 in gaming devices;

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

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

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

383 (r) "Investigation division" means a particular
384 division supervised by the executive director that provides
385 investigative functions.

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

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

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

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



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

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

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

401 (z) "Party" means the Mississippi Gaming Commission and
402 any licensee or other person appearing of record in any proceeding
403 before the commission; or the Mississippi Gaming Commission and
404 any licensee or other person appearing of record in any proceeding
405 for judicial review of any action, decision or order of the
406 commission.

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

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

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

416 (dd) "Regulation" means a rule, standard, directive or
417 statement of general applicability which effectuates law or policy
418 or which describes the procedure or requirements for practicing
419 before the commission. The term includes a proposed regulation



420 and the amendment or repeal of a prior regulation but does not
421 include:

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

425 (ii) A declaratory ruling;

426 (iii) An interagency memorandum;

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

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

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

433 (ff) "Slot machine" means any mechanical, electrical or
434 other device, contrivance or machine which, upon insertion of a
435 coin, token or similar object, or upon payment of any
436 consideration, is available to play or operate, the play or
437 operation of which, whether by reason of the skill of the operator
438 or application of the element of chance, or both, may deliver or
439 entitle the person playing or operating the machine to receive
440 cash, premiums, merchandise, tokens or anything of value, whether
441 the payoff is made automatically from the machine or in any other
442 manner. The term does not include any antique coin machine as
443 defined in Section 27-27-12.



444 (gg) "Sports pool" means the business of accepting
445 wagers on sporting events, except for athletic events, by any
446 system or method of wagering other than the system known as the
447 "pari-mutuel method of wagering."

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

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

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

455 (kk) "Work permit" means any card, certificate or
456 permit issued by the commission, whether denominated as a work
457 permit, registration card or otherwise, authorizing the employment
458 of the holder as a gaming employee. A document issued by any
459 governmental authority for any employment other than gaming is not
460 a valid work permit for the purposes of this chapter.

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

464 (mm) "Cheat" means to alter the selection of criteria
465 that determine:

466 (i) The rules of a game; or

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



468 (nn) "Promotional activity" means an activity or event
469 conducted or held for the purpose of promoting or marketing the
470 individual licensed gaming establishment that is engaging in the
471 promotional activity. The term includes, but is not limited to, a
472 game of any kind other than as defined in paragraph (k) of this
473 section, a tournament, a contest, a drawing, or a promotion of any
474 kind.

475 **SECTION 7.** Section 1 of this act shall be codified as a
476 separate code section in Chapter 33, Title 97, Mississippi Code of
477 1972. Section 2 of this act shall be codified as a separate code
478 section in Chapter 76, Title 75, Mississippi Code of 1972.

479 **SECTION 8.** This act shall take effect and be in force from
480 and after July 1, 2017.

