

By: Senator(s) Fillingane, Blount

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2510

1 AN ACT TO AMEND SECTIONS 97-33-1 AND 97-33-7, MISSISSIPPI
2 CODE OF 1972, TO INCLUDE ANY ONLINE, INTERACTIVE, OR COMPUTERIZED
3 VERSION OF GAMES WITHIN THE PROHIBITION ON BETTING GAMING OR
4 WAGERING AND ANY ONLINE INTERACTIVE OR COMPUTERIZED VERSION OF ANY
5 GAME AS DEFINED IN SECTION 75-76-5(K) SHALL BE A GAMING DEVICE; TO
6 INCREASE THE CRIMINAL PENALTY; TO PROVIDE THAT AN ACTION TO
7 PROSECUTE A VIOLATION MAY, IN THE DISCRETION OF THE ATTORNEY
8 GENERAL OR PROSECUTING ATTORNEY, BE TRIED IN THE COUNTY IN WHICH
9 THE VIOLATION OCCURRED OR IN HINDS COUNTY; TO INCREASE THE
10 CRIMINAL PENALTIES FOR A VIOLATION OF THIS SECTION; TO AUTHORIZE
11 THE FORFEITURE OF THE ASSETS, RIGHTS, AND PRIVILEGES USED IN
12 CONNECTION WITH VIOLATIONS OF THE PROVISIONS OF THESE SECTIONS; TO
13 AUTHORIZE THE GAMING COMMISSION TO ENTER INTO CONTINGENCY FEE
14 AGREEMENTS FOR ASSETS FORFEITED IN CONNECTION WITH THE PROSECUTION
15 OF VIOLATIONS OF THIS SECTION; TO AMEND SECTION 97-33-8,
16 MISSISSIPPI CODE OF 1972, TO INCLUDE INTERNET SWEEPSTAKES CASINOS
17 WITHIN THE PROHIBITIONS OF THIS SECTION; TO INCREASE THE CRIMINAL
18 VIOLATION FROM A MISDEMEANOR TO A FELONY; TO AUTHORIZE THE
19 FORFEITURE OF THE ASSETS, RIGHTS, AND PRIVILEGES USED IN
20 CONNECTION WITH VIOLATIONS OF THIS SECTION; AND FOR RELATED
21 PURPOSES.

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

23 **SECTION 1.** Section 97-33-1, Mississippi Code of 1972, is
24 amended as follows:

25 97-33-1. Except as otherwise provided in Section 97-33-8, if
26 any person shall encourage, promote or play at any game, play or
27 amusement, other than a fight or fighting match between dogs, for



28 money or other valuable thing, or shall wager or bet, promote or
29 encourage the wagering or betting of any money or other valuable
30 things, upon any game, play, amusement, cockfight, Indian ball
31 play or duel, other than a fight or fighting match between dogs,
32 or upon the result of any election, event or contingency whatever,
33 including any online, interactive, or computerized version
34 thereof, upon conviction thereof, he shall be fined in a sum not
35 more than Five Hundred Dollars (\$500.00) per occurrence; and,
36 unless such fine and costs be immediately paid, shall be
37 imprisoned for any period not more than ninety (90) days. If any
38 person shall operate an online platform that facilitates illegal
39 wagering, such person shall be guilty of a felony. Upon each
40 conviction, a person shall be fined in a sum not more than One
41 Hundred Thousand Dollars (\$100,000.00), or shall be imprisoned for
42 a term of years not to exceed ten (10) years, or by both fine and
43 imprisonment. The assets, rights, and privileges used in
44 connection with violations of the provisions of this section shall
45 be liable to forfeiture, to the State of Mississippi or to the
46 county in which a violation is committed. However, this section
47 shall not apply to betting, gaming or 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 (e) An action to prosecute a violation of this section
97 may, in the discretion of the Attorney General or prosecuting
98 attorney, be tried in the county in which the violation occurred
99 or in Hinds County.

100 **SECTION 2.** Section 97-33-7, Mississippi Code of 1972, is
101 amended as follows:



102 97-33-7. (1) Except as otherwise provided in Section
103 97-33-8, it shall be unlawful for any person or persons, firm,
104 copartnership or corporation to have in possession, own, control,
105 display, or operate any cane rack, knife rack, artful dodger,
106 punch board, roll down, merchandise wheel, slot machine, pinball
107 machine, or similar device or devices. Provided, however, that
108 this section shall not be so construed as to make unlawful the
109 ownership, possession, control, display or operation of any
110 antique coin machine as defined in Section 27-27-12, or any music
111 machine or bona fide automatic vending machine where the purchaser
112 receives exactly the same quantity of merchandise on each
113 operation of said machine. Any slot machine other than an antique
114 coin machine as defined in Section 27-27-12 which delivers, or is
115 so constructed as that by operation thereof it will deliver to the
116 operator thereof anything of value in varying quantities, in
117 addition to the merchandise received, and any slot machine other
118 than an antique coin machine as defined in Section 27-27-12 that
119 is constructed in such manner as that slugs, tokens, coins or
120 similar devices are, or may be, used and delivered to the operator
121 thereof in addition to merchandise of any sort contained in such
122 machine, is hereby declared to be a gambling device, and shall be
123 deemed unlawful under the provisions of this section. Provided,
124 however, that pinball machines which do not return to the operator
125 or player thereof anything but free additional games or plays
126 shall not be deemed to be gambling devices, and neither this



127 section nor any other law shall be construed to prohibit same.
128 Any online, interactive, or computerized version of any game as
129 defined in Section 75-76-5(k) or any other game of chance or
130 digital simulation thereof, including, but not limited to, online
131 race books, online sports pools, and online sweepstakes
132 casino-style games, is hereby declared to be a gambling device,
133 and the offering for play or operating an online or interactive
134 platform that offers for play such games within the State of
135 Mississippi shall be deemed unlawful under the provisions of this
136 section.

137 (2) No property right shall exist in any person, natural or
138 artificial, or be vested in such person, in any or all of the
139 devices described herein that are not exempted from the provisions
140 of this section; and all such devices are hereby declared to be at
141 all times subject to confiscation and destruction, and their
142 possession shall be unlawful, except when in the possession of
143 officers carrying out the provisions of this section. It shall be
144 the duty of all law enforcing officers to seize and immediately
145 destroy all such machines and devices.

146 (3) * * * ~~A first~~ Each violation of the provisions of this
147 section shall be deemed a * * * ~~misdemeanor~~ felony, and the party
148 offending shall, upon each conviction, be fined in any sum not
149 exceeding * * * ~~Five Hundred Dollars (\$500.00)~~ One Hundred
150 Thousand Dollars (\$100,000.00), or imprisoned not exceeding * * *
151 ~~three (3) months~~ ten (10) years, or both, in the discretion of the



152 court, and shall be liable to forfeiture, to the State of
153 Mississippi or to the county in which a violation is committed, of
154 the assets, rights, and privileges used in connection with
155 violations of the provisions of this section. * * *~~In the event~~
156 ~~of a second conviction for a violation of any of the provisions of~~
157 ~~this section, the party offending shall be subject to a sentence~~
158 ~~of not less than six (6) months in the county jail, nor more than~~
159 ~~two (2) years in the State Penitentiary, in the discretion of the~~
160 ~~trial court.~~

161 (4) Notwithstanding any provision of this section to the
162 contrary, it shall not be unlawful to operate any equipment or
163 device described in subsection (1) of this section or any gaming,
164 gambling or similar device or devices by whatever name called
165 while:

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

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



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

180 (i) The structure is owned, leased or controlled
181 by a person possessing a gaming license, as defined in Section
182 75-76-5, to conduct legal gaming on a cruise vessel under
183 paragraph (a) of this subsection;

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

194 (iii) In the case of a structure that is located
195 in whole or part on shore, the part of the structure in which
196 licensed gaming activities are conducted shall lie adjacent to
197 state waters south of the three (3) most southern counties in the
198 State of Mississippi, including the Mississippi Sound, St. Louis
199 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
200 structure is located consists of a parcel of real property,
201 easements and rights-of-way for public streets and highways shall



202 not be construed to interrupt the contiguous nature of the parcel,
203 nor shall the footage contained within the easements and
204 rights-of-way be counted in the calculation of the distances
205 specified in subparagraph (ii);

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 (6) An action to prosecute a violation of this section may,
245 in the discretion of the Attorney General or prosecuting attorney,
246 be tried in the county in which the crime occurred or in Hinds
247 County. The Mississippi Gaming Commission may enter into
248 contingency fee agreements for assets forfeited in connection with
249 the prosecution of violations of this section, pursuant to Section
250 7-5-8.



251 **SECTION 3.** Section 97-33-8, Mississippi Code of 1972, is
252 amended as follows:

253 97-33-8. (1) The provisions of this section are intended to
254 clarify that the operation of "internet sweepstakes cafes" * * *
255 ~~is an~~ and "online sweepstakes casinos" are illegal gambling * * *
256 ~~activity~~ activities under state law.

257 (2) It shall be unlawful for any person or entity to
258 possess, own, control, display, operate or have a financial
259 interest in an electronic video monitor or platform that:

260 (a) Is offered or made available to a person to play or
261 participate in a simulated gambling program in return for direct
262 or indirect consideration, including consideration associated with
263 a product, service or activity other than the simulated gambling
264 program; and

265 (b) The person who plays or participates in the
266 simulated gambling program may become eligible to win, redeem or
267 otherwise obtain a cash or cash-equivalent prize, whether or not
268 the eligibility for or value of the prize is determined by or has
269 any relationship to the outcome or play of the program.

270 (3) As used in this section, the following words and phrases
271 shall have the meanings ascribed in this subsection, unless the
272 context clearly indicates otherwise:

273 (a) "Simulated gambling program" means any method
274 intended to be used by a person playing, participating or
275 interacting with an electronic video monitor or online or mobile



276 platform that is offered by another person or entity; that
277 directly or indirectly implements the predetermination of a cash
278 or cash-equivalent prize, or otherwise connects the player with
279 the cash or cash-equivalent prize; and that is not legal under the
280 Mississippi Gaming Control Act.

281 (b) "Consideration associated with a product, service
282 or activity other than the simulated gambling program" means money
283 or other value collected for a product, service or activity that
284 is offered in any direct or indirect relationship to playing or
285 participating in the simulated gambling program. The term
286 includes, but is not limited to, consideration paid for internet
287 access or computer time, or a sweepstakes entry.

288 (c) "Electronic video monitor" means any unit,
289 mechanism, computer or other terminal, or device that is capable
290 of displaying moving or still images.

291 (4) Any person or entity violating the provisions of this
292 section by promoting or operating an internet sweepstakes cafe or
293 casino, upon conviction, shall be guilty of a * * * ~~misdemeanor~~
294 ~~and fined not more than One Thousand Dollars (\$1,000.00) or~~
295 ~~imprisoned for not less than one (1) year~~ felony and fined in a
296 sum not exceeding One Hundred Thousand Dollars (\$100,000.00), or
297 imprisoned not exceeding a term of ten (10) years, or both. The
298 assets, rights and privileges used in connection with violations
299 of the provisions of this section shall be liable to forfeiture,



300 to the State of Mississippi or to the county in which a violation
301 is committed.

302 (5) The provisions of this section shall not apply to:

303 (a) Any lawful activity that is conducted for the
304 primary purpose of entertaining children under the age of eighteen
305 (18) years, during which money is paid for a token or chip that is
306 used to play an electronic or other game, with the winner of the
307 game earning tickets that can be exchanged for prizes;

308 (b) Any lawful marketing promotion, contest, prize or
309 sweepstakes that is designed to attract consumer attention to a
310 specific product or service unrelated to digital tokens, coins or
311 currency associated with a sweepstakes game and which is offered
312 for sale by the manufacturer, distributor, vendor or retailer of
313 the product or service; or

314 (c) Any promotional activity as defined in Section
315 75-76-5 that is conducted by a gaming licensee.

316 **SECTION 4.** This act shall take effect and be in force from
317 and after July 1, 2025.

