

By: Senator(s) Fillingane

To: Judiciary, Division B

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 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 * * * Ten Thousand Dollars (\$10,000.00) per occurrence;
36 and, unless such fine and costs be immediately paid, shall be
37 imprisoned for any period not more than * * * one (1) year.
38 However, this section shall not apply to betting, gaming or
39 wagering:

40 (a) On a cruise vessel as defined in Section 27-109-1
41 whenever such vessel is in the waters within the State of
42 Mississippi, which lie adjacent to the State of Mississippi south
43 of the three (3) most southern counties in the State of
44 Mississippi, including the Mississippi Sound, St. Louis Bay,
45 Biloxi Bay and Pascagoula Bay, and in which the registered voters
46 of the county in which the port is located have not voted to
47 prohibit such betting, gaming or wagering on cruise vessels as
48 provided in Section 19-3-79;

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



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

54 (i) The structure is owned, leased or controlled
55 by a person possessing a gaming license, as defined in Section
56 75-76-5, to conduct legal gaming on a cruise vessel under
57 paragraph (a) of this section;

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

68 (iii) In the case of a structure that is located
69 in whole or part on shore, the part of the structure in which
70 licensed gaming activities are conducted shall lie adjacent to
71 state waters south of the three (3) most southern counties in the
72 State of Mississippi, including the Mississippi Sound, St. Louis
73 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
74 structure is located consists of a parcel of real property,
75 easements and rights-of-way for public streets and highways shall
76 not be construed to interrupt the contiguous nature of the parcel,



77 nor shall the footage contained within the easements and
78 rights-of-way be counted in the calculation of the distances
79 specified in subparagraph (ii);

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

86 (d) That is legal under the laws of the State of
87 Mississippi.

88 (e) An action to prosecute a violation of this section
89 may, in the discretion of the Attorney General or prosecuting
90 attorney, be tried in the county in which the violation occurred
91 or in Hinds County.

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

94 97-33-7. (1) Except as otherwise provided in Section
95 97-33-8, it shall be unlawful for any person or persons, firm,
96 copartnership or corporation to have in possession, own, control,
97 display, or operate any cane rack, knife rack, artful dodger,
98 punch board, roll down, merchandise wheel, slot machine, pinball
99 machine, or similar device or devices. Provided, however, that
100 this section shall not be so construed as to make unlawful the
101 ownership, possession, control, display or operation of any



102 antique coin machine as defined in Section 27-27-12, or any music
103 machine or bona fide automatic vending machine where the purchaser
104 receives exactly the same quantity of merchandise on each
105 operation of said machine. Any slot machine other than an antique
106 coin machine as defined in Section 27-27-12 which delivers, or is
107 so constructed as that by operation thereof it will deliver to the
108 operator thereof anything of value in varying quantities, in
109 addition to the merchandise received, and any slot machine other
110 than an antique coin machine as defined in Section 27-27-12 that
111 is constructed in such manner as that slugs, tokens, coins or
112 similar devices are, or may be, used and delivered to the operator
113 thereof in addition to merchandise of any sort contained in such
114 machine, is hereby declared to be a gambling device, and shall be
115 deemed unlawful under the provisions of this section. Provided,
116 however, that pinball machines which do not return to the operator
117 or player thereof anything but free additional games or plays
118 shall not be deemed to be gambling devices, and neither this
119 section nor any other law shall be construed to prohibit same.
120 Any online, interactive, or computerized version of any game as
121 defined in Section 75-76-5(k) or any other game of chance or
122 digital simulation thereof, including, but not limited to, online
123 race books, online sports pools, and online sweepstakes
124 casino-style games, is hereby declared to be a gambling device,
125 and the offering for play or operating an online or interactive
126 platform that offers for play such games within the State of



127 Mississippi shall be deemed unlawful under the provisions of this
128 section.

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

138 (3) * * * Each violation of the provisions of this section
139 shall be deemed a * * * felony, and the party offending shall,
140 upon each conviction, be fined in any sum not exceeding * * * One
141 Hundred Thousand Dollars (\$100,000.00), or imprisoned not
142 exceeding * * * ten (10 years), or both, in the discretion of the
143 court, and shall be liable to forfeiture, to the State of
144 Mississippi or to the county in which a violation is committed, of
145 the assets, rights, and privileges used in connection with
146 violations of the provisions of this section. * * *

147 (4) Notwithstanding any provision of this section to the
148 contrary, it shall not be unlawful to operate any equipment or
149 device described in subsection (1) of this section or any gaming,
150 gambling or similar device or devices by whatever name called
151 while:



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

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

166 (i) The structure is owned, leased or controlled
167 by a person possessing a gaming license, as defined in Section
168 75-76-5, to conduct legal gaming on a cruise vessel under
169 paragraph (a) of this subsection;

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



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

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

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

198 (d) That is legal under the laws of the State of
199 Mississippi.

200 (5) Notwithstanding any provision of this section to the
201 contrary, it shall not be unlawful (a) to own, possess, repair or



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



227 such cruise vessels or vessels within a municipality shall comply
228 with all municipal ordinances protecting the general health or
229 safety of the residents of the municipality.

230 (6) An action to prosecute a violation of this section may,
231 in the discretion of the Attorney General or prosecuting attorney,
232 be tried in the county in which the crime occurred or in Hinds
233 County. The Mississippi Gaming Commission may enter into
234 contingency fee agreements for assets forfeited in connection with
235 the prosecution of violations of this section, pursuant to Section
236 7-5-8.

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

239 97-33-8. (1) The provisions of this section are intended to
240 clarify that the operation of "internet sweepstakes cafes" * * *
241 and "online sweepstakes casinos" are illegal gambling * * *
242 activities under state law.

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

246 (a) Is offered or made available to a person to play or
247 participate in a simulated gambling program in return for direct
248 or indirect consideration, including consideration associated with
249 a product, service or activity other than the simulated gambling
250 program; and



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

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

259 (a) "Simulated gambling program" means any method
260 intended to be used by a person playing, participating or
261 interacting with an electronic video monitor or online or mobile
262 platform that is offered by another person or entity; that
263 directly or indirectly implements the predetermination of a cash
264 or cash-equivalent prize, or otherwise connects the player with
265 the cash or cash-equivalent prize; and that is not legal under the
266 Mississippi Gaming Control Act.

267 (b) "Consideration associated with a product, service
268 or activity other than the simulated gambling program" means money
269 or other value collected for a product, service or activity that
270 is offered in any direct or indirect relationship to playing or
271 participating in the simulated gambling program. The term
272 includes, but is not limited to, consideration paid for internet
273 access or computer time, or a sweepstakes entry.



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

277 (4) Any person or entity violating the provisions of this
278 section by promoting or operating an internet sweepstakes cafe or
279 casino, upon conviction, shall be guilty of a * * * felony and
280 fined in a sum not exceeding One Hundred Thousand Dollars
281 (\$100,000.00), or imprisoned not exceeding ten (10) years, or
282 both, in the discretion of the court, and shall be liable to
283 forfeiture, to the State of Mississippi or to the county in which
284 a violation is committed, of the assets, rights and privileges
285 used in connection with violations of the provisions of this
286 section.

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

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

293 (b) Any lawful marketing promotion, contest, prize or
294 sweepstakes that is designed to attract consumer attention to a
295 specific product or service which is offered for sale by the
296 manufacturer, distributor, vendor or retailer of the product or
297 service; or



298 (c) Any promotional activity as defined in Section
299 75-76-5 that is conducted by a gaming licensee.

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

