

By: Senator(s) Fillingane, Blount

To: Judiciary, Division B

## SENATE BILL NO. 2104

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,



Biloxi Bay and Pascagoula Bay, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79;

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

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

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

(iii) In the case of a structure that is located 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



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

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

(3) \* \* \* Each violation of the provisions of this section shall be deemed a \* \* \* felony, and the party offending shall, upon each conviction, be fined in any sum not exceeding \* \* \* One Hundred Thousand Dollars (\$100,000.00), or imprisoned not exceeding \* \* \* ten (10) years, or both, in the discretion of the court, and shall be liable to forfeiture, to the State of



Mississippi or to the county in which a violation is committed, of  
the assets, rights, and privileges used in connection with  
violations of the provisions of this section. \* \* \*

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

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

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

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



176 75-76-5, to conduct legal gaming on a cruise vessel under  
177 paragraph (a) of this subsection;

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

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



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

206 (d) That is legal under the laws of the State of  
207 Mississippi.

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



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

238 (6) An action to prosecute a violation of this section may,  
239 in the discretion of the Attorney General or prosecuting attorney,  
240 be tried in the county in which the crime occurred or in Hinds  
241 County. The Mississippi Gaming Commission may enter into  
242 contingency fee agreements for assets forfeited in connection with  
243 the prosecution of violations of this section, pursuant to Section  
244 7-5-8.

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

247 97-33-8. (1) The provisions of this section are intended to  
248 clarify that the operation of "internet sweepstakes cafes" \* \* \*



and "online sweepstakes casinos" are illegal gambling \* \* \*  
activities under state law.

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

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

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

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

(a) "Simulated gambling program" means any method  
intended to be used by a person playing, participating or  
interacting with an electronic video monitor or online or mobile  
platform that is offered by another person or entity; that  
directly or indirectly implements the predetermination of a cash  
or cash-equivalent prize, or otherwise connects the player with



the cash or cash-equivalent prize; and that is not legal under the Mississippi Gaming Control Act.

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

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

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

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

(a) Any lawful activity that is conducted for the primary purpose of entertaining children under the age of eighteen (18) years, during which money is paid for a token or chip that is



298 used to play an electronic or other game, with the winner of the  
299 game earning tickets that can be exchanged for prizes;

300 (b) Any lawful marketing promotion, contest, prize or  
301 sweepstakes that is designed to attract consumer attention to a  
302 specific product or service unrelated to digital tokens, coins or  
303 currency associated with a sweepstakes game and which is offered  
304 for sale by the manufacturer, distributor, vendor or retailer of  
305 the product or service; or

306 (c) Any promotional activity as defined in Section  
307 75-76-5 that is conducted by a gaming licensee.

308 **SECTION 4.** This act shall take effect and be in force from  
309 and after July 1, 2026.

