

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 984

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEMBKE.

Offered March 29, 2010.

Senate Substitute adopted, March 29, 2010.

Taken up for Perfection March 29, 2010. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

5143S.02P

AN ACT

To repeal sections 313.805 and 313.830, RSMo, and to enact in lieu thereof two new sections relating to prohibited acts on excursion gambling boats, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 313.805 and 313.830, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 313.805 and 313.830, to read as follows:

313.805. The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

(1) To investigate applicants and determine the priority and eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Missouri;

(2) To license the operators of excursion gambling boats and operators of gambling games within such boats, to identify occupations within the excursion gambling boat operations which require licensing, and adopt standards for licensing the occupations including establishing fees for the occupational licenses and to license suppliers;

(3) To adopt standards under which all excursion gambling boat

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 operations shall be held and standards for the facilities within which the
15 gambling operations are to be held. Notwithstanding the provisions of chapter
16 311, RSMo, to the contrary, the commission may authorize the operation of
17 gambling games on an excursion gambling boat which is also licensed to sell or
18 serve alcoholic beverages, wine, or beer. The commission shall regulate the
19 wagering structure for gambling excursions, provided that the commission shall
20 not establish any regulations or policies that limit the amount of wagers, losses,
21 or buy-in amounts;

22 (4) To enter the premises of excursion gambling boats, facilities, or other
23 places of business of a licensee within this state to determine compliance with
24 sections 313.800 to 313.850;

25 (5) To investigate alleged violations of sections 313.800 to 313.850 or the
26 commission rules, orders, or final decisions;

27 (6) To assess any appropriate administrative penalty against a licensee,
28 including, but not limited to, suspension, revocation, and penalties of an amount
29 as determined by the commission up to three times the highest daily amount of
30 gross receipts derived from wagering on the gambling games, whether
31 unauthorized or authorized, conducted during the previous twelve months as well
32 as confiscation and forfeiture of all gambling game equipment used in the conduct
33 of unauthorized gambling games. Forfeitures pursuant to this section shall be
34 enforced as provided in sections 513.600 to 513.645, RSMo;

35 (7) To require a licensee, an employee of a licensee or holder of an
36 occupational license to remove a person violating a provision of sections 313.800
37 to 313.850 or the commission rules, orders, or final orders, or other person
38 deemed to be undesirable from the excursion gambling boat or adjacent facilities;

39 (8) To require the removal from the premises of a licensee, an employee
40 of a licensee, or a holder of an occupational license for a violation of sections
41 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

42 (9) To require all licensees to file all financial reports required by rules
43 and regulations of the commission;

44 (10) To issue subpoenas for the attendance of witnesses and subpoenas
45 duces tecum for the production of books, records, and other pertinent documents,
46 and to administer oaths and affirmations to the witnesses, when, in the judgment
47 of the commission, it is necessary to enforce sections 313.800 to 313.850 or the
48 commission rules;

49 (11) To keep accurate and complete records of its proceedings and to

50 certify the records as may be appropriate;

51 (12) To ensure that the gambling games are conducted fairly. No
52 gambling device shall be set to pay out less than eighty percent of all wagers;

53 (13) To require all licensees of gambling game operations to use a cashless
54 wagering system whereby all players' money is converted to physical or electronic
55 tokens, electronic cards, or chips which only can be used [for wagering] on the
56 excursion gambling boat;

57 (14) To require excursion gambling boat licensees to develop a system,
58 approved by the commission, that allows patrons the option to prohibit the
59 excursion gambling boat licensee from using identifying information for
60 marketing purposes. The provisions of this subdivision shall apply only to
61 patrons giving identifying information for the first time. Such system shall be
62 submitted to the commission by October 1, 2000, and approved by the commission
63 by January 1, 2001. The excursion gambling boat licensee shall use identifying
64 information obtained from patrons who have elected to have marketing blocked
65 under the provisions of this section only for the purposes of enforcing the
66 requirements contained in sections 313.800 to 313.850. This section shall not
67 prohibit the commission from accessing identifying information for the purposes
68 of enforcing section 313.004 and sections 313.800 to 313.850;

69 (15) To determine which of the authorized gambling games will be
70 permitted on any licensed excursion gambling boat;

71 (16) Excursion gambling boats shall cruise, unless the commission finds
72 that the best interest of Missouri and the safety of the public indicate the need
73 for continuous docking of the excursion gambling boat in any city or county
74 authorized pursuant to subsection 10 of section 313.812. The commission shall
75 base its decision to allow continuously docked excursion gambling boats on any
76 of the following criteria: the docking location or the excursion cruise could cause
77 danger to the boat's passengers, violate federal law or the law of another state,
78 or cause disruption of interstate commerce or possible interference with railway
79 or barge transportation. In addition, the commission shall consider economic
80 feasibility or impact that would benefit land-based development and permanent
81 job creation. The commission shall not discriminate among applicants for
82 continuous-docking excursion gambling that are similarly situated with respect
83 to the criteria set forth in this section;

84 (17) The commission shall render a finding concerning the possibility of
85 continuous docking, as described in subdivision (15) of this section, within thirty

86 days after a hearing on any request from an applicant or licensee. Such hearing
87 may be held prior to any final action on licensing to assist an applicant and any
88 city or county in the finalizing of their economic development plan;

89 (18) To require any applicant for a license or renewal of a license to
90 operate an excursion gambling boat to provide an affirmative action plan which
91 has as its goal the use of best efforts to achieve maximum employment of
92 African-Americans and other minorities and maximum participation in the
93 procurement of contractual purchases of goods and services. This provision shall
94 be administered in accordance with all federal and state employment laws,
95 including Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights
96 Act of 1991. At license renewal, the licensee will report on the effectiveness of
97 the plan. The commission shall include the licensee's reported information in its
98 annual report to the joint committee on gaming and wagering;

99 (19) To take any other action as may be reasonable or appropriate to
100 enforce sections 313.800 to 313.850 and the commission rules.

313.830. 1. A person is guilty of a class D felony for any of the following:

2 (1) Operating a gambling excursion where wagering is used or to be used
3 without a license issued by the commission;

4 (2) Operating a gambling excursion where wagering is permitted other
5 than in the manner specified by section 313.817; or

6 (3) Acting, or employing a person to act, as a shill or decoy to encourage
7 participation in a gambling game.

8 2. A person is guilty of a class B misdemeanor for the first offense and a
9 class A misdemeanor for the second and subsequent offenses for any of the
10 following:

11 (1) Permitting a person under the age of twenty-one to make a wager
12 while on an excursion gambling boat;

13 (2) Making or attempting to make a wager while on an excursion
14 gambling boat when such person is under the age of twenty-one years; or

15 (3) Aiding a person who is under the age of twenty-one in entering an
16 excursion gambling boat or in making or attempting to make a wager while on an
17 excursion gambling boat.

18 3. A person wagering or accepting a wager at any location outside the
19 excursion gambling boat is in violation of section 572.040, RSMo.

20 4. A person commits a class D felony and, in addition, shall be barred for
21 life from excursion gambling boats under the jurisdiction of the commission, if the

22 person:

23 (1) Offers, promises, or gives anything of value or benefit to a person who
24 is connected with an excursion gambling boat operator including, but not limited
25 to, an officer or employee of a licensee or holder of an occupational license
26 pursuant to an agreement or arrangement or with the intent that the promise or
27 thing of value or benefit will influence the actions of the person to whom the
28 offer, promise, or gift was made in order to affect or attempt to affect the outcome
29 of a gambling game, or to influence official action of a member of the commission;

30 (2) Solicits or knowingly accepts or receives a promise of anything of value
31 or benefit while the person is connected with an excursion gambling boat
32 including, but not limited to, an officer or employee of a licensee, or holder of an
33 occupational license, pursuant to an understanding or arrangement or with the
34 intent that the promise or thing of value or benefit will influence the actions of
35 the person to affect or attempt to affect the outcome of a gambling game, or to
36 influence official action of a member of the commission;

37 (3) Uses a device to assist in any of the following:

38 (a) In projecting the outcome of the game;

39 (b) In keeping track of the cards played;

40 (c) In analyzing the probability of the occurrence of an event relating to
41 the gambling game; or

42 (d) In analyzing the strategy for playing or betting to be used in the game,
43 except as permitted by the commission;

44 (4) Cheats at a gambling game;

45 (5) Manufactures, sells, or distributes any cards, chips, dice, game or
46 device which is intended to be used to violate any provision of sections 313.800
47 to 313.850;

48 (6) Instructs a person in cheating or in the use of a device for that
49 purpose with the knowledge or intent that the information or use conveyed may
50 be employed to violate any provision of sections 313.800 to 313.850;

51 (7) Alters or misrepresents the outcome of a gambling game on which
52 wagers have been made after the outcome is made sure but before it is revealed
53 to the players;

54 (8) Places a bet after acquiring knowledge, not available to all players, of
55 the outcome of the gambling game which is the subject of the bet or to aid a
56 person in acquiring the knowledge for the purpose of placing a bet contingent on
57 that outcome;

58 (9) Claims, collects, or takes, or attempts to claim, collect, or take, money
59 or anything of value in or from the gambling games, with intent to defraud,
60 without having made a wager contingent on winning a gambling game, or claims,
61 collects, or takes an amount of money or thing of value of greater value than the
62 amount won;

63 (10) Knowingly entices or induces a person to go to any place where a
64 gambling game is being conducted or operated in violation of the provisions of
65 sections 313.800 to 313.850 with the intent that the other person plays or
66 participates in that gambling game;

67 (11) Uses counterfeit chips or tokens in a gambling game;

68 (12) Knowingly uses, other than chips, tokens, coin, of other methods of
69 credit approved by the commission, legal tender of the United States of America,
70 or to use coin not of the denomination as the coin intended to be used in the
71 gambling games;

72 (13) Has in the person's possession any device intended to be used to
73 violate a provision of sections 313.800 to 313.850;

74 (14) Has in the person's possession, except a gambling licensee or
75 employee of a gambling licensee acting in furtherance of the employee's
76 employment, any key or device designed for the purpose of opening, entering, or
77 affecting the operation of a gambling game, drop box, or an electronic or
78 mechanical device connected with the gambling game or for removing coins,
79 tokens, chips or other contents of the gambling game; or

80 (15) Knowingly makes a false statement of any material fact to the
81 commission, its agents or employees.

82 5. The possession of one or more of the devices described in subdivision
83 (3), (5), (13) or (14) of subsection 4 of this section permits a rebuttable inference
84 that the possessor intended to use the devices for cheating.

85 6. Except for wagers on gambling games or exchanges for money as
86 provided in section 313.817, **or as payment for food or beverages on the**
87 **excursion gambling boat**, a licensee who exchanges tokens, chips, or other
88 forms of credit to be used on gambling games for anything of value commits a
89 class B misdemeanor.

90 7. If the commission determines that reasonable grounds to believe that
91 a violation of sections 313.800 to 313.850 has occurred or is occurring which is a
92 criminal offense, the commission shall refer such matter to both the state
93 attorney general and the prosecuting attorney or circuit attorney having

94 jurisdiction. The state attorney general and the prosecuting attorney or circuit
95 attorney with such jurisdiction shall have concurrent jurisdiction to commence
96 actions for violations of sections 313.800 to 313.850 where such violations have
97 occurred.

98 8. Venue for all crimes committed on an excursion gambling boat shall be
99 the jurisdiction of the home dock city or county or such county where a home dock
100 city is located.

✓
Unofficial

Bill

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