

FIRST REGULAR SESSION

SENATE BILL NO. 87

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

0941S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.255, 572.010, 572.015, and 572.100, RSMo, and to enact in lieu thereof nine new sections relating to illegal gambling, with existing penalty provisions and an emergency clause.

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

Section A. Sections 311.660, 311.680, 311.710, 311.720,
2 313.004, 313.255, 572.010, 572.015, and 572.100, RSMo, are
3 repealed and nine new sections enacted in lieu thereof, to be
4 known as sections 311.660, 311.680, 311.710, 311.720, 313.004,
5 313.255, 572.010, 572.015, and 572.100, to read as follows:

311.660. The supervisor of liquor control shall have
2 the authority to suspend or revoke for cause all such
3 licenses; and to make the following regulations, without
4 limiting the generality of provisions empowering the
5 supervisor of liquor control as in this chapter set forth as
6 to the following matters, acts and things:

7 (1) Fix and determine the nature, form and capacity of
8 all packages used for containing intoxicating liquor of any
9 kind, to be kept or sold under this law;

10 (2) Prescribe an official seal and label and determine
11 the manner in which such seal or label shall be attached to
12 every package of intoxicating liquor so sold under this law;
13 this includes prescribing different official seals or
14 different labels for the different classes, varieties or
15 brands of intoxicating liquor;

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

16 (3) Prescribe all forms, applications and licenses and
17 such other forms as are necessary to carry out the
18 provisions of this chapter, except that when a licensee
19 substantially complies with all requirements for the renewal
20 of a license by the date on which the application for
21 renewal is due, such licensee shall be permitted at least an
22 additional ten days from the date notice is sent that the
23 application is deficient, in which to complete the
24 application;

25 (4) Prescribe the terms and conditions of the licenses
26 issued and granted under this law;

27 (5) Prescribe the nature of the proof to be furnished
28 and conditions to be observed in the issuance of duplicate
29 licenses, in lieu of those lost or destroyed;

30 (6) Establish rules and regulations for the conduct of
31 the business carried on by each specific licensee under the
32 license, and such rules and regulations if not obeyed by
33 every licensee shall be grounds for the revocation or
34 suspension of the license;

35 (7) The right to examine books, records and papers of
36 each licensee and to hear and determine complaints against
37 any licensee;

38 (8) To issue subpoenas and all necessary processes and
39 require the production of papers, to administer oaths and to
40 take testimony;

41 (9) Prescribe all forms of labels to be affixed to all
42 packages containing intoxicating liquor of any kind; [and]

43 (10) **To refer to the Missouri gaming commission,**
44 **Missouri state highway patrol, and local law enforcement**
45 **agencies any suspected illegal gambling activity punishable**
46 **under chapter 572 being conducted on the premises of a**

47 **location licensed under this chapter, which shall be**
48 **investigated under section 43.380; and**

49 (11) To make such other rules and regulations as are
50 necessary and feasible for carrying out the provisions of
51 this chapter, as are not inconsistent with this law.

311.680. 1. Whenever it shall be shown, or whenever
2 the supervisor of liquor control has knowledge, that a
3 person licensed hereunder has not at all times kept an
4 orderly place or house, or has violated any of the
5 provisions of this chapter, the supervisor of liquor control
6 may warn, place on probation on such terms and conditions as
7 the supervisor of liquor control deems appropriate for a
8 period not to exceed twelve months, suspend or revoke the
9 license of that person, but the person shall have ten days'
10 notice of the application to warn, place on probation,
11 suspend or revoke the person's license prior to the order of
12 warning, probation, revocation or suspension issuing.

13 2. Any wholesaler licensed pursuant to this chapter in
14 lieu of, or in addition to, the warning, probation,
15 suspension or revocation authorized in subsection 1 of this
16 section, may be assessed a civil penalty by the supervisor
17 of liquor control of not less than one hundred dollars or
18 more than twenty-five hundred dollars for each violation.

19 3. Any solicitor licensed pursuant to this chapter in
20 lieu of the suspension or revocation authorized in
21 subsection 1 of this section may be assessed a civil penalty
22 or fine by the supervisor of liquor control of not less than
23 one hundred dollars nor more than five thousand dollars for
24 each violation.

25 4. Any retailer with less than five thousand occupant
26 capacity licensed pursuant to this chapter in lieu of the
27 suspension or revocation authorized by subsection 1 of this

28 section may be assessed a civil penalty or fine by the
29 supervisor of liquor control of not less than fifty dollars
30 nor more than one thousand dollars for each violation.

31 5. Any retailer with five thousand or more occupant
32 capacity licensed pursuant to this chapter in lieu of the
33 suspension or revocation authorized by subsection 1 of this
34 section, may be assessed a civil penalty or fine by the
35 supervisor of liquor control of not less than fifty dollars
36 nor more than five thousand dollars for each violation.

37 6. (1) Upon notification by the Missouri gaming
38 commission or a law enforcement agency of possession of a
39 gambling device, as defined pursuant to section 572.010, by
40 a person licensed pursuant to this chapter, the supervisor
41 of liquor control shall suspend or revoke the license of
42 such person on such terms and conditions as the supervisor
43 of liquor control deems appropriate, provided such person
44 shall be given ten days to remove such gambling device from
45 the premises prior to the supervisor of liquor control
46 taking action pursuant to this subsection. Upon a second or
47 subsequent notification pursuant to this subsection of the
48 possession of a gambling device by a person licensed
49 pursuant to this chapter, the supervisor of liquor control
50 shall not be required to give such person ten days to remove
51 such gambling device from the premises prior to taking
52 action pursuant to this subsection.

53 (2) The supervisor of liquor control shall, by no
54 later than August 15, 2021, provide written or electronic
55 notice to all persons licensed pursuant to this chapter
56 informing such persons of the provisions of this subsection
57 and section 311.720.

58 7. Any aggrieved person may appeal to the
59 administrative hearing commission in accordance with section
60 311.691.

61 [7.] 8. In order to encourage the early resolution of
62 disputes between the supervisor of liquor control and
63 licensees, the supervisor of liquor control, prior to
64 issuing an order of warning, probation, revocation,
65 suspension, or fine, shall provide the licensee with the
66 opportunity to meet or to confer with the supervisor of
67 liquor control, or his or her designee, concerning the
68 alleged violations. At least ten days prior to such meeting
69 or conference, the supervisor shall provide the licensee
70 with notice of the time and place of such meeting or
71 conference, and the supervisor of liquor control shall also
72 provide the licensee with a written description of the
73 specific conduct for which discipline is sought, a citation
74 of the law or rules allegedly violated, and, upon request,
75 copies of any violation report or any other documents which
76 are the basis for such action. Any order of warning,
77 probation, revocation, suspension, or fine shall be
78 effective no sooner than thirty days from the date of such
79 order.

 311.710. 1. In addition to the penalties and
2 proceedings for suspension or revocation of licenses
3 provided for in this chapter, and without limiting them,
4 proceedings for the suspension or revocation of any license
5 authorizing the sale of intoxicating liquor at retail may be
6 brought in the circuit court of any county in this state, or
7 in the city of St. Louis, in which the licensed premises are
8 located and such proceedings may be brought by the sheriff
9 or any peace officer of that county or by any eight or more

10 persons who are taxpaying citizens of the county or city for
11 any of the following offenses:

12 (1) Selling, giving or otherwise supplying
13 intoxicating liquor to a habitual drunkard or to any person
14 who is under or apparently under the influence of
15 intoxicating liquor;

16 (2) Knowingly permitting any prostitute, degenerate,
17 or dissolute person to frequent the licensed premises;

18 (3) Permitting on the licensed premises any disorderly
19 conduct, breach of the peace, or any lewd, immoral or
20 improper entertainment, conduct or practices;

21 (4) Selling, offering for sale, possessing or
22 knowingly permitting the consumption on the licensed
23 premises of any kind of intoxicating liquors, the sale,
24 possession or consumption of which is not authorized under
25 his license;

26 (5) Selling, giving, or otherwise supplying
27 intoxicating liquor to any person under the age of twenty-
28 one years;

29 (6) Selling, giving or otherwise supplying
30 intoxicating liquors between the hours of 12:00 midnight
31 Saturday night and 12:00 midnight Sunday night;

32 **(7) Permitting on the licensed premises any form of**
33 **gambling device punishable under chapter 572.**

34 2. Provided, that said taxpaying citizen shall submit
35 in writing, under oath, by registered United States mail to
36 the supervisor of liquor control a joint complaint, stating
37 the name of the licensee, the name under which the
38 licensee's business is conducted and the address of the
39 licensed premises, setting out in general the character and
40 nature of the offense or offenses charged, together with the
41 names and addresses of the witnesses by whom proof thereof

42 is expected to be made; and provided, that after a period of
43 thirty days after the mailing of such complaint to the
44 supervisor of liquor control the person therein complained
45 of shall not have been cited by the supervisor to appear and
46 show cause why his license should not be suspended or
47 revoked then they shall file with the circuit clerk of the
48 county or city in which the premises are located a copy of
49 the complaint on file with the supervisor of liquor control.

50 3. If, pursuant to the receipt of such complaint by
51 the supervisor of liquor control, the licensee appears and
52 shows cause why his license should not be suspended or
53 revoked at a hearing held for that purpose by the supervisor
54 and either the complainants or the licensee consider
55 themselves aggrieved with the order of the supervisor then,
56 after a request in writing by either the complainants or the
57 licensee, the supervisor shall certify to the circuit clerk
58 of the county or city in which the licensed premises are
59 located a copy of the original complaint filed with him,
60 together with a copy of the transcript of the evidence
61 adduced at the hearing held by him. Such certification by
62 the supervisor shall not act as a supersedeas of any order
63 made by him.

64 4. Upon receipt of such complaint, whether from the
65 complainant directly or from the supervisor of liquor
66 control, the court shall set a date for an early hearing
67 thereon and it shall be the duty of the circuit clerk to
68 cause to be delivered by registered United States mail to
69 the prosecuting attorney of the county or to the circuit
70 attorney of the city of St. Louis and to the licensee copies
71 of the complaint and he shall, at the same time, give notice
72 of the time and place of the hearing. Such notice shall be
73 delivered to the prosecuting attorney or to the circuit

74 attorney and to the licensee at least fifteen days prior to
75 the date of the hearing.

76 5. The complaint shall be heard by the court without a
77 jury and if there has been a prior hearing thereon by the
78 supervisor of liquor control then the case shall be heard de
79 novo and both the complainants and the licensee may produce
80 new and additional evidence material to the issues.

81 6. If the court shall find upon the hearing that the
82 offense or offenses charged in the complaint have been
83 established by the evidence, the court shall order the
84 suspension or revocation of the license but, in so doing,
85 shall take into consideration whatever order, if any, may
86 have been made in the premises by the supervisor of liquor
87 control. If the court finds that to revoke the license
88 would be unduly severe, then the court may suspend the
89 license for such period of time as the court deems proper.

90 7. The judgment of the court in no event shall be
91 superseded or stayed during pendency of any appeal therefrom.

92 8. It shall be the duty of the prosecuting attorney or
93 circuit attorney to prosecute diligently and without delay
94 any such complaints coming to him by virtue of this section.

95 9. The jurisdiction herein conferred upon the circuit
96 courts to hear and determine complaints for the suspension
97 or revocation of licenses in the manner provided in this
98 section shall not be exclusive and any authority conferred
99 upon the supervisor of liquor control to revoke or suspend
100 licenses shall remain in full force and effect, and the
101 suspension or revocation of a license as provided in this
102 section shall be in addition to and not in lieu of any other
103 revocation or suspension provided by this chapter.

104 10. Costs accruing because of such hearings in the
105 circuit court shall be taxed in the same manner as criminal
106 costs.

 311.720. Conviction in any court of any violation of
2 this chapter, or any felony violation of chapter 195 **or**
3 **chapter 572**, in the course of business, shall have the
4 effect of automatically revoking the license of the person
5 convicted, and such revocation shall continue operative
6 until said case is finally disposed of, and if the defendant
7 is finally acquitted, he may apply for and receive a license
8 hereunder, upon paying the regular license charge therefor,
9 in the same manner as though he had never had a license
10 hereunder; provided, however, that the provisions of this
11 section shall not apply to violations of section 311.070,
12 and violations of said section shall be punished only as
13 therein provided.

 313.004. 1. There is hereby created the "Missouri
2 Gaming Commission" consisting of five members appointed by
3 the governor, with the advice and consent of the senate.
4 Each member of the Missouri gaming commission shall be a
5 resident of this state. No member shall have pled guilty to
6 or shall have been convicted of a felony or gambling-related
7 offense. Not more than three members shall be affiliated
8 with the same political party. No member of the commission
9 shall be an elected official. The overall membership of the
10 commission shall reflect experience in law enforcement,
11 civil and criminal investigation and financial principles.

 2. The initial members of the commission shall be
13 appointed within thirty days of April 29, 1993. Of the
14 members first appointed, one shall be appointed for a one-
15 year term, two shall be appointed for a two-year term and
16 two shall be appointed for a three-year term. Thereafter,

17 all members appointed shall serve for a three-year term. No
18 person shall serve as a member more than six years. The
19 governor shall designate one of the members as the chair.
20 The governor may remove any member of the commission from
21 office for malfeasance or neglect of duty in office. The
22 governor may also replace any member of the commission, with
23 the advice and consent of the senate, when any
24 responsibility concerning the state lottery, pari-mutuel
25 wagering or any other form of gaming is placed under the
26 jurisdiction of the commission.

27 3. The commission shall meet at least quarterly in
28 accordance with its rules. In addition, special meetings
29 may be called by the chair or any two members of the
30 commission upon twenty-four-hour written notice to each
31 member. No action of the commission shall be binding unless
32 taken at a meeting at which at least three of the five
33 members are present and shall vote in favor thereof.

34 4. The commission shall perform all duties and have
35 all the powers and responsibilities conferred and imposed
36 upon it relating to excursion gambling boats and, after June
37 30, 1994, the lawful operation of the game of bingo under
38 this chapter. Within the commission, there shall be
39 established a division of gambling and after June 30, 1994,
40 the division of bingo. Subject to appropriations, the
41 commission may hire an executive director and any employees
42 as it may deem necessary to carry out the commission's
43 duties. The commission shall have authority to require
44 investigations of any employee or applicant for employment
45 as deemed necessary and use such information or any other
46 information in the determination of employment. The
47 commission shall promulgate rules and regulations
48 establishing a code of ethics for its employees which shall

49 include, but not be limited to, restrictions on which
50 employees shall be prohibited from participating in or
51 wagering on any game or gaming operation subject to the
52 jurisdiction of the commission. The commission shall
53 determine if any other employees of the commission or any
54 licensee of the commission shall participate or wager in any
55 operation under the jurisdiction of the commission.

56 5. On April 29, 1993, all the authority, powers,
57 duties, functions, records, personnel, property, matters
58 pending and all other pertinent vestiges of the state
59 tourism commission relating to the regulation of excursion
60 gambling boats and, after June 30, 1994, of the department
61 of revenue relating to the regulation of the game of bingo
62 shall be transferred to the Missouri gaming commission.

63 6. The commission shall be assigned to the department
64 of public safety as a type III division, but the director of
65 the department of public safety has no supervision,
66 authority or control over the actions or decisions of the
67 commission.

68 7. Members of the Missouri gaming commission shall
69 receive as compensation, the amount of one hundred dollars
70 for every day in which the commission holds a meeting, when
71 such meeting is subject to the recording of minutes as
72 provided in chapter 610, and shall be reimbursed for
73 reasonable expenses incurred in the performance of their
74 duties. The chair shall receive as additional compensation
75 one hundred dollars for each month such person serves on the
76 commission in that capacity.

77 8. No member or employee of the commission shall be
78 appointed or continue to be a member or employee who is
79 licensed by the commission as an excursion gambling boat
80 operator or supplier and no member or employee of the

81 commission shall be appointed or continue to be a member or
82 employee who is related to any person within the second
83 degree of consanguinity or affinity who is licensed by the
84 commission as an excursion gambling boat operator or
85 supplier. The commission shall determine by rule and
86 regulation appropriate restrictions on the relationship of
87 members and employees of the commission to persons holding
88 or applying for occupational licenses from the commission or
89 to employees of any licensee of the commission. No peace
90 officer, as defined by section 590.010, who is designated to
91 have direct regulator authority related to excursion
92 gambling boats shall be employed by any excursion gambling
93 boat or supplier licensed by the commission while employed
94 as a peace officer. No member or employee of the commission
95 or any employee of the state attorney general's office or
96 the state highway patrol who has direct authority over the
97 regulation or investigation of any applicant or licensee of
98 the commission or any peace officer of any city or county
99 which has approved excursion boat gambling shall accept any
100 gift or gratuity from an applicant or licensee while serving
101 as a member or while under such employment. Any person
102 knowingly in violation of the provisions of this subsection
103 is guilty of a class A misdemeanor. Any such member,
104 officer or employee who personally or whose prohibited
105 relative knowingly violates the provisions of this
106 subsection, in addition to the foregoing penalty, shall,
107 upon conviction, immediately and thereupon forfeit his
108 office or employment.

109 9. The commission may enter into agreements with the
110 Federal Bureau of Investigation, the Federal Internal
111 Revenue Service, the state attorney general, **the Missouri**
112 **state highway patrol**, or any state, federal or local agency

113 the commission deems necessary to carry out the duties of
114 the commission, **including investigations relating to and the**
115 **enforcement of the provisions of chapter 572 relating to**
116 **illegal gambling.** No state agency shall count employees
117 used in any agreements entered into with the commission
118 against any personnel cap authorized by any statute. Any
119 consideration paid by the commission for the purpose of
120 entering into, or to carry out, any agreement shall be
121 considered an administrative expense of the commission.
122 When such agreements are entered into for responsibilities
123 relating to excursion gambling boats, **or for the purpose of**
124 **investigating illegal gambling pursuant to chapter 572**
125 **utilizing existing Missouri state highway patrol personnel**
126 **assigned to enforce the regulations of licensed gaming**
127 **activities governed by chapter 313,** the commission shall
128 require excursion gambling boat licensees to pay for such
129 services under rules and regulations of the commission. The
130 commission may provide by rules and regulations for the
131 offset of any prize or winnings won by any person making a
132 wager subject to the jurisdiction of the commission, when
133 practical, when such person has an outstanding debt owed the
134 state of Missouri.

135 10. No person who has served as a member or employee
136 of the commission, as a member of the general assembly, as
137 an elected or appointed official of the state or of any city
138 or county of this state in which the licensing of excursion
139 gambling boats has been approved in either the city or
140 county or both or any employee of the state highway patrol
141 designated by the superintendent of the highway patrol or
142 any employee of the state attorney general's office
143 designated by the state attorney general to have direct
144 regulatory authority related to excursion gambling boats

145 shall, while in such office or during such employment and
146 during the first two years after termination of his office
147 or position, obtain direct ownership interest in or be
148 employed by any excursion gambling boat licensed by the
149 commission or which has applied for a license to the
150 commission or enter into a contractual relationship related
151 to direct gaming activity. A "direct ownership interest"
152 shall be defined as any financial interest, equitable
153 interest, beneficial interest, or ownership control held by
154 the public official or employee, or such person's family
155 member related within the second degree of consanguinity or
156 affinity, in any excursion gambling boat operation or any
157 parent or subsidiary company which owns or operates an
158 excursion gambling boat or as a supplier to any excursion
159 gambling boat which has applied for or been granted a
160 license by the commission, provided that a direct ownership
161 interest shall not include any equity interest purchased at
162 fair market value or equity interest received as
163 consideration for goods and services provided at fair market
164 value of less than one percent of the total outstanding
165 shares of stock of any publicly traded corporation or
166 certificates of partnership of any limited partnership which
167 is listed on a regulated stock exchange or automated
168 quotation system. Any person who knowingly violates the
169 provisions of this subsection is guilty of a class E
170 felony. Any such member, officer or employee who personally
171 and knowingly violates the provisions of this subsection, in
172 addition to the foregoing penalty, shall, upon conviction,
173 immediately and thereupon forfeit his office or employment.
174 For purposes of this subsection, "appointed official" shall
175 mean any official of this state or of any city or county
176 authorized under subsection 10 of section 313.812 appointed

177 to a position which has discretionary powers over the
178 operations of any licensee or applicant for licensure by the
179 commission. This shall only apply if the appointed official
180 has a direct ownership interest in an excursion gambling
181 boat licensed by the commission or which has applied for a
182 license to the commission to be docked within the
183 jurisdiction of his or her appointment. No elected or
184 appointed official, his or her spouse or dependent child
185 shall, while in such office or within two years after
186 termination of his or her office or position, be employed by
187 an applicant for an excursion gambling boat license or an
188 excursion gambling boat licensed by the commission. Any
189 other person related to an elected or appointed official
190 within the second degree of consanguinity or affinity
191 employed by an applicant for an excursion gambling boat
192 license or excursion gambling boat licensed by the
193 commission shall disclose this relationship to the
194 commission. Such disclosure shall be in writing and shall
195 include who is employing such individual, that person's
196 relationship to the elected or appointed official, and a job
197 description for which the person is being employed. The
198 commission may require additional information as it may
199 determine necessary.

200 11. The commission may enter into contracts with any
201 private entity the commission deems necessary to carry out
202 the duties of the commission, other than criminal law
203 enforcement, provision of legal counsel before the courts
204 and other agencies of this state, and the enforcement of
205 liquor laws. The commission may require provisions for
206 special auditing requirements, investigations and
207 restrictions on the employees of any private entity with
208 which a contract is entered into by the commission.

209 12. Notwithstanding the provisions of chapter 610 to
210 the contrary, all criminal justice records shall be
211 available to any agency or commission responsible for
212 licensing or investigating applicants or licensees applying
213 to any gaming commission of this state.

214 13. (1) The commission shall establish a telephone
215 contact number, which shall be prominently displayed on the
216 commission's website, to receive reports of suspected
217 illegal gambling activities. Upon the receipt of such
218 report, the commission shall refer such reports to the
219 Missouri state highway patrol for investigation pursuant to
220 this section. The commission shall notify the subject of
221 such investigation within thirty days of receiving a report
222 under this subsection.

223 (2) The superintendent of the highway patrol shall
224 initiate investigations of potential violations punishable
225 under chapter 572, including referrals made by the Missouri
226 gaming commission pursuant to this section.

227 (3) Upon the request of a prosecuting or circuit
228 attorney, the attorney general shall aid a prosecuting or
229 circuit attorney in prosecuting violations referred by the
230 superintendent of the highway patrol.

231 (4) Local law enforcement agencies shall notify the
232 supervisor of liquor control, the state lottery commission,
233 and the Missouri gaming commission of all investigations of
234 potential violations punishable under chapter 572.

235 (5) The provisions of this subsection shall not
236 preclude or hinder the ability of a local law enforcement
237 agency to conduct investigations into potential violations
238 punishable under chapter 572 or any other crime or criminal
239 activity in its jurisdiction.

240 **(6) Any person or establishment licensed under this**
241 **chapter that is convicted of or pleads guilty to a violation**
242 **punishable under chapter 572, and any affiliated company of**
243 **such person or establishment, shall be permanently**
244 **prohibited from being licensed to participate in any way in**
245 **a program implementing video lottery gaming terminals should**
246 **such a program be implemented in this state.**

313.255. 1. The director shall issue, suspend,
2 revoke, and renew licenses for lottery game retailers
3 pursuant to rules and regulations adopted by the
4 commission. Such rules shall specify that at least ten
5 percent of all licenses awarded to lottery game retailers in
6 constitutional charter cities not within a county and
7 constitutional charter cities with a population of at least
8 four hundred fifty thousand not located wholly within a
9 county of the first class with a charter form of government
10 shall be awarded to minority-owned and -controlled business
11 enterprises. Licensing rules and regulations shall include
12 requirements relating to the financial responsibility of the
13 licensee, the accessibility of the licensee's place of
14 business or activity to the public, the sufficiency of
15 existing licenses to serve the public interest, the volume
16 of expected sales, the security and efficient operation of
17 the lottery, and other matters necessary to protect the
18 public interest and trust in the lottery and to further the
19 sales of lottery tickets or shares. Lottery game retailers
20 shall be selected without regard to political affiliation.

21 2. The commission may sell lottery tickets at its
22 office and at special events.

23 3. The commission shall require every retailer to post
24 a bond, a bonding fee or a letter of credit in such amount
25 as may be required by the commission, and upon licensure

26 shall prominently display his license, or a copy thereof, as
27 provided in the rules and regulations of the commission.

28 4. All licenses for lottery game retailers shall
29 specify the place such sales shall take place.

30 5. A lottery game retailer license shall not be
31 assignable or transferable.

32 6. A license shall be revoked upon a finding that the
33 licensee:

34 (1) Has knowingly provided false or misleading
35 information to the commission or its employees;

36 (2) Has been convicted of any felony; or

37 (3) Has endangered the security of the lottery.

38 7. A license may be suspended, revoked, or not renewed
39 for any of the following causes:

40 (1) A change of business location;

41 (2) An insufficient sales volume;

42 (3) A delinquency in remitting money owed to the
43 lottery; [or]

44 (4) Any violation of any rule or regulation adopted
45 pursuant to this section by the commission; or

46 **(5) Possession of a gambling device as defined**
47 **pursuant to section 572.010.**

572.010. As used in this chapter the following terms
2 mean:

3 (1) "Advance gambling activity", a person advances
4 gambling activity if, acting other than as a player, he or
5 she engages in conduct that materially aids any form of
6 gambling activity. Conduct of this nature includes but is
7 not limited to conduct directed toward the creation or
8 establishment of the particular game, lottery, contest,
9 scheme, device or activity involved, toward the acquisition
10 or maintenance of premises, paraphernalia, equipment or

11 apparatus therefor, toward the solicitation or inducement of
12 persons to participate therein, toward the actual conduct of
13 the playing phases thereof, toward the arrangement or
14 communication of any of its financial or recording phases,
15 or toward any other phase of its operation. A person
16 advances gambling activity if, having substantial
17 proprietary control or other authoritative control over
18 premises being used with his or her knowledge for purposes
19 of gambling activity, he or she permits that activity to
20 occur or continue or makes no effort to prevent its
21 occurrence or continuation. The supplying, servicing and
22 operation of a licensed excursion gambling boat under
23 sections 313.800 to 313.840 does not constitute advancing
24 gambling activity;

25 (2) "Bookmaking", advancing gambling activity by
26 unlawfully accepting bets from members of the public as a
27 business, rather than in a casual or personal fashion, upon
28 the outcomes of future contingent events;

29 (3) "Contest of chance", any contest, game, gaming
30 scheme or gaming device in which the outcome depends in a
31 material degree upon an element of chance, notwithstanding
32 that the skill of the contestants may also be a factor
33 therein;

34 (4) "Gambling", a person engages in gambling when he
35 or she stakes or risks something of value upon the outcome
36 of a contest of chance or a future contingent event not
37 under his or her control or influence, upon an agreement or
38 understanding that he or she will receive something of value
39 in the event of a certain outcome. Gambling does not
40 include bona fide business transactions valid under the law
41 of contracts, including but not limited to contracts for the
42 purchase or sale at a future date of securities or

43 commodities, and agreements to compensate for loss caused by
44 the happening of chance, including but not limited to
45 contracts of indemnity or guaranty and life, health or
46 accident insurance; nor does gambling include playing an
47 amusement device that confers only an immediate right of
48 replay not exchangeable for something of value. Gambling
49 does not include any licensed activity, or persons
50 participating in such games which are covered by sections
51 313.800 to 313.840;

52 (5) "Gambling device", any device, machine,
53 paraphernalia or equipment that is **not approved by the**
54 **Missouri gaming commission or state lottery commission under**
55 **the provisions of chapter 313 and that:**

56 (a) **Contains a random number generator where prize**
57 **payout percentages are controlled or adjustable;**

58 (b) **Is used in any scenario where coins or cash prizes**
59 **are involved or any scenario where a prize is converted to**
60 **cash or monetary credit of any kind related to the use of**
61 **the gambling device; or**

62 (c) **Is used or usable in the playing phases of any**
63 **gambling activity, whether that activity consists of**
64 **gambling between persons or gambling by a person with a**
65 **machine, regardless of whether the machine or device or**
66 **system or network of devices includes a preview of the**
67 **outcome or whether the outcome is known, displayed, or**
68 **capable of being known or displayed to the user;**

69 **Any device not described in paragraphs (a) to (c) of this**
70 **subdivision that a reasonable person would believe is usable**
71 **or can be made readily usable in gambling or any phases of**
72 **gambling activity shall be prima facia evidence of a**
73 **gambling device and may be subject to seizure by any peace**

74 **officer in this state.** However, lottery tickets, policy
75 slips and other items used in the playing phases of lottery
76 and policy schemes are not gambling devices within this
77 definition;

78 (6) "Gambling record", any article, instrument,
79 record, receipt, ticket, certificate, token, slip or
80 notation used or intended to be used in connection with
81 unlawful gambling activity;

82 (7) "Lottery" or "policy", an unlawful gambling scheme
83 in which for a consideration the participants are given an
84 opportunity to win something of value, the award of which is
85 determined by chance;

86 (8) "Player", a person who engages in any form of
87 gambling solely as a contestant or bettor, without receiving
88 or becoming entitled to receive any profit therefrom other
89 than personal gambling winnings, and without otherwise
90 rendering any material assistance to the establishment,
91 conduct or operation of the particular gambling activity. A
92 person who gambles at a social game of chance on equal terms
93 with the other participants therein does not otherwise
94 render material assistance to the establishment, conduct or
95 operation thereof by performing, without fee or
96 remuneration, acts directed toward the arrangement or
97 facilitation of the game, such as inviting persons to play,
98 permitting the use of premises therefor and supplying cards
99 or other equipment used therein. A person who engages in
100 "bookmaking" as defined in subdivision (2) of this section
101 is not a player;

102 (9) "Professional player", a player who engages in
103 gambling for a livelihood or who has derived at least twenty
104 percent of his or her income in any one year within the past
105 five years from acting solely as a player;

106 (10) "Profit from gambling activity", a person profits
107 from gambling activity if, other than as a player, he or she
108 accepts or receives money or other property pursuant to an
109 agreement or understanding with any person whereby he
110 participates or is to participate in the proceeds of
111 gambling activity;

112 (11) "Slot machine", a gambling device that as a
113 result of the insertion of a coin or other object operates,
114 either completely automatically or with the aid of some
115 physical act by the player, in such a manner that, depending
116 upon elements of chance, **from the perspective of a player or**
117 **a reasonable person**, it may eject something of value,
118 **regardless of whether the machine or device or system or**
119 **network of devices includes a preview of the outcome or**
120 **whether the outcome is known, displayed, or capable of being**
121 **known or displayed to the user.** A device so constructed or
122 readily adaptable or convertible to such use is no less a
123 slot machine because it is not in working order or because
124 some mechanical act of manipulation or repair is required to
125 accomplish its adaptation, conversion or workability. Nor
126 is it any less a slot machine because apart from its use or
127 adaptability as such it may also sell or deliver something
128 of value on a basis other than chance;

129 (12) "Something of value", any money or property, any
130 token, object or article exchangeable for money or property,
131 or any form of credit or promise directly or indirectly
132 contemplating transfer of money or property or of any
133 interest therein or involving extension of a service,
134 entertainment or a privilege of playing at a game or scheme
135 without charge;

136 (13) "Unlawful", not specifically authorized by law.

572.015. 1. Nothing in this chapter prohibits
2 constitutionally authorized activities under Article III,
3 Sections 39(a) to 39(f) of the Missouri Constitution.

4 2. For the purposes of this section and Article III,
5 Section 39(f) of the Missouri Constitution, the following
6 terms shall mean:

7 (1) "Net proceeds", the gross amount paid for tickets
8 for a raffle or sweepstakes minus the payment of prizes and
9 administrative expenses. Administrative expenses relating
10 to the purchase or rental of supplies and equipment utilized
11 in conducting the raffle or sweepstakes shall not be in
12 excess of the reasonable market purchase price or reasonable
13 market rental rate for such supplies and equipment, and in
14 no case shall such administrative expenses be based on a
15 percentage of proceeds;

16 (2) "Raffle" or "sweepstakes", the award by chance of
17 one or more prizes to one or more persons among a group of
18 persons who have paid or promised something of value in
19 exchange for a ticket that represents one or more equal
20 chances to win a prize, and for which all tickets have been
21 sold prior to the selection of a winner or winners;

22 (3) "Sponsor", the offering of a raffle or sweepstakes
23 by an organization recognized as charitable or religious
24 pursuant to federal law in which the entire net proceeds of
25 such raffle or sweepstakes shall be exclusively devoted to
26 the lawful purposes of the organization permitted to conduct
27 the raffle or sweepstakes.

572.100. The general assembly by enacting this chapter
2 intends to preempt any other regulation of the area covered
3 by this chapter. No governmental subdivision or agency may
4 enact or enforce a law that regulates or makes any conduct
5 in the area covered by this chapter an offense, or the

6 subject of a criminal or civil penalty or sanction of any
7 kind, **except for the revocation, suspension, or denial by**
8 **the Missouri lottery commission, the Missouri gaming**
9 **commission, or the division of alcohol and tobacco control**
10 **of a license issued under chapter 311 or 313.** The term
11 "gambling", as used in this chapter, does not include
12 licensed activities under sections 313.800 to 313.840.

Section B. Because the need to eliminate illegal
2 gambling activity in this state, section A of this act is
3 deemed necessary for the immediate preservation of the
4 public health, welfare, peace and safety, and is hereby
5 declared to be an emergency act within the meaning of the
6 constitution, and section A of this act shall be in full
7 force and effect upon its passage and approval.

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