

FIRST REGULAR SESSION

# SENATE BILL NO. 235

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOLL

Read 1st time January 11, 1999, and 1,000 copies ordered printed.

L0995.011

TERRY L. SPIELER, Secretary.

## AN ACT

To repeal section 572.010, RSMo 1994, for the sole purpose of defining amusement devices, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 572.010, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 572.010, to read as follows:

572.010. As used in this chapter, **the following words and phrases shall have the following meanings:**

(1) "Advance gambling activity", a person "advances gambling activity" if, acting other than as a player, he engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but is not limited to conduct directed toward the creation or establishment of the particular game, lottery, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement or communication of any of its financial or recording phases, or toward any other phase of its operation. A person advances gambling activity if, having substantial proprietary control or other authoritative control over premises being used with his knowledge for purposes of gambling activity, he permits that activity to occur or continue or makes no effort to prevent its occurrence or continuation. The supplying, servicing and operation of a licensed excursion gambling boat under sections 313.800 to 313.840, RSMo, does not constitute advancing gambling activity;

(2) "Bookmaking", [means] advancing gambling activity by unlawfully accepting bets from

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

members of the public as a business, rather than in a casual or personal fashion, upon the outcomes of future contingent events;

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

(4) "Gambling", a person engages in "gambling" when he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he will receive something of value in the event of a certain outcome. Gambling does not include bona fide business transactions valid under the law of contracts, including but not limited to contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance; [nor does gambling include playing an amusement device that confers only an immediate right of replay not exchangeable for something of value.] **nor does gambling include playing a game or an amusement device that confers only an immediate right of replay, noncash prizes, toys, novelties, coupons, or other representations of value which may be redeemed on the premises for something of value in the form of prizes, toys, or novelties, but shall specifically exclude cash, gift certificates, intoxicating beer or liquor, nonintoxicating beer or tobacco products. The something of value shall not exceed three hundred dollars in value, as determined by the cost to the owner or manager of the premise, and shall not thereafter be sold or transferred for cash or any other consideration.** Gambling does not include any licensed activity, or persons participating in such games which are covered by sections 313.800 to 313.840, RSMo;

(5) "Gambling device" [means], any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity, whether that activity consists of gambling between persons or gambling by a person with a machine. However, lottery tickets, policy slips and other items used in the playing phases of lottery and policy schemes are not gambling devices within this definition[;]. **The term "gambling device" does not include a game or an amusement device that confers only an immediate right of replay, noncash prizes, toys, novelties, coupons, or other representations of value which may be redeemed on the premises for something of value in the form of prizes, toys, or novelties, but shall specifically exclude cash, gift certificates, intoxicating beer or liquor, nonintoxicating beer or tobacco products. The something of value shall not thereafter be sold or transferred for cash or any other consideration. An amusement device shall not be identical in purpose to casino games which have the purpose of cash payout;**

(6) "Gambling record" [means], any article, instrument, record, receipt, ticket, certificate,

token, slip or notation used or intended to be used in connection with unlawful gambling activity;

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

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

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

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

(11) "Slot machine" [means], a gambling device that as a result of the insertion of a coin or other object operates, either completely automatically or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance, it may eject something of value. A device so constructed or readily adaptable or convertible to such use is no less a slot machine because it is not in working order or because some mechanical act of manipulation or repair is required to accomplish its adaptation, conversion or workability. Nor is it any less a slot machine because apart from its use or adaptability as such it may also sell or deliver something of value on a basis other than chance;

(12) "Something of value" [means], any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge;

(13) "Unlawful" [means], not specifically authorized by law.