

FIRST REGULAR SESSION

HOUSE BILL NO. 691

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOPER (120).

Read 1st time March 2, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1926L.011

AN ACT

To repeal section 572.010, RSMo, and to enact in lieu thereof one new section relating to gambling devices.

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

Section A. Section 572.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 572.010, to read as follows: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

(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 members of the public as a business, rather than in a casual or personal fashion, upon the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 outcomes of future contingent events;

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

21 (4) "Gambling", a person engages in "gambling" when he stakes or risks something of
22 value upon the outcome of a contest of chance or a future contingent event not under his control
23 or influence, upon an agreement or understanding that he will receive something of value in the
24 event of a certain outcome. Gambling does not include bona fide business transactions valid
25 under the law of contracts, including but not limited to contracts for the purchase or sale at a
26 future date of securities or commodities, and agreements to compensate for loss caused by the
27 happening of chance, including but not limited to contracts of indemnity or guaranty and life,
28 health or accident insurance; nor does gambling include playing an amusement device that
29 confers only an immediate right of replay not exchangeable for something of value. Gambling
30 does not include any licensed activity, or persons participating in such games which are covered
31 by sections 313.800 to 313.840, RSMo;

32 (5) "Gambling device" means any device, machine, paraphernalia or equipment that is
33 used or usable in the playing phases of any gambling activity, whether that activity consists of
34 gambling between persons or gambling by a person with a machine. However, lottery tickets,
35 policy slips and other items used in the playing phases of lottery and policy schemes are not
36 gambling devices within this definition. **The term "gambling device" shall not include an
37 amusement device that confers only an immediate right of replay or a coupon credit that
38 may be redeemed on the premises for something of value that does not exceed five dollars
39 per play, except for cash, intoxicating liquor, intoxicating beer, or tobacco products;**

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

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

45 (8) "Player" means a person who engages in any form of gambling solely as a contestant
46 or bettor, without receiving or becoming entitled to receive any profit therefrom other than
47 personal gambling winnings, and without otherwise rendering any material assistance to the
48 establishment, conduct or operation of the particular gambling activity. A person who gambles
49 at a social game of chance on equal terms with the other participants therein does not otherwise
50 render material assistance to the establishment, conduct or operation thereof by performing,
51 without fee or remuneration, acts directed toward the arrangement or facilitation of the game,
52 such as inviting persons to play, permitting the use of premises therefor and supplying cards or

53 other equipment used therein. A person who engages in "bookmaking" as defined in subdivision
54 (2) of this section is not a "player";

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

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

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

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

74 (13) "Unlawful" means not specifically authorized by law.