

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1994
95TH GENERAL ASSEMBLY

4762L.02C

D. ADAM CRUMBLISS, Chief Clerk

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Section A. Sections 313.805 and 313.830, RSMo, are repealed and two new sections
2 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
2 gambling operations governed by sections 313.800 to 313.850. The commission shall have the
3 following powers and shall promulgate rules and regulations to implement sections 313.800 to
4 313.850:

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

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

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

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.

19 (4) To enter the premises of excursion gambling boats, facilities, or other places of
20 business of a licensee within this state to determine compliance with sections 313.800 to
21 313.850;

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

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

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

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

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

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

44 (11) To keep accurate and complete records of its proceedings and to certify the records
45 as may be appropriate;

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

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

51 (14) To require excursion gambling boat licensees to develop a system, approved by the
52 commission, that allows patrons the option to prohibit the excursion gambling boat licensee from
53 using identifying information for marketing purposes. The provisions of this subdivision shall
54 apply only to patrons giving identifying information for the first time. Such system shall be

55 submitted to the commission by October 1, 2000, and approved by the commission by January
56 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from
57 patrons who have elected to have marketing blocked under the provisions of this section only for
58 the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This
59 section shall not prohibit the commission from accessing identifying information for the
60 purposes of enforcing section 313.004 and sections 313.800 to 313.850;

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

63 (16) Excursion gambling boats shall cruise, unless the commission finds that the best
64 interest of Missouri and the safety of the public indicate the need for continuous docking of the
65 excursion gambling boat in any city or county authorized pursuant to subsection 10 of section
66 313.812. The commission shall base its decision to allow continuously docked excursion
67 gambling boats on any of the following criteria: the docking location or the excursion cruise
68 could cause danger to the boat's passengers, violate federal law or the law of another state, or
69 cause disruption of interstate commerce or possible interference with railway or barge
70 transportation. In addition, the commission shall consider economic feasibility or impact that
71 would benefit land-based development and permanent job creation. The commission shall not
72 discriminate among applicants for continuous-docking excursion gambling that are similarly
73 situated with respect to the criteria set forth in this section;

74 (17) The commission shall render a finding concerning the possibility of continuous
75 docking, as described in subdivision (15) of this section, within thirty days after a hearing on any
76 request from an applicant or licensee. Such hearing may be held prior to any final action on
77 licensing to assist an applicant and any city or county in the finalizing of their economic
78 development plan;

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

88 (19) To take any other action as may be reasonable or appropriate to enforce sections
89 313.800 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 without a
3 license issued by the commission;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 37 (d) In analyzing the strategy for playing or betting to be used in the game, except as
38 permitted by the commission;
- 39 (4) Cheats at a gambling game;
- 40 (5) Manufactures, sells, or distributes any cards, chips, dice, game or device which is
41 intended to be used to violate any provision of sections 313.800 to 313.850;
- 42 (6) Instructs a person in cheating or in the use of a device for that purpose with the
43 knowledge or intent that the information or use conveyed may be employed to violate any
44 provision of sections 313.800 to 313.850;
- 45 (7) Alters or misrepresents the outcome of a gambling game on which wagers have been
46 made after the outcome is made sure but before it is revealed to the players;
- 47 (8) Places a bet after acquiring knowledge, not available to all players, of the outcome
48 of the gambling game which is the subject of the bet or to aid a person in acquiring the
49 knowledge for the purpose of placing a bet contingent on that outcome;
- 50 (9) Claims, collects, or takes, or attempts to claim, collect, or take, money or anything
51 of value in or from the gambling games, with intent to defraud, without having made a wager
52 contingent on winning a gambling game, or claims, collects, or takes an amount of money or
53 thing of value of greater value than the amount won;
- 54 (10) Knowingly entices or induces a person to go to any place where a gambling game
55 is being conducted or operated in violation of the provisions of sections 313.800 to 313.850 with
56 the intent that the other person plays or participates in that gambling game;
- 57 (11) Uses counterfeit chips or tokens in a gambling game;
- 58 (12) Knowingly uses, other than chips, tokens, coin, of other methods of credit approved
59 by the commission, legal tender of the United States of America, or to use coin not of the
60 denomination as the coin intended to be used in the gambling games;
- 61 (13) Has in the person's possession any device intended to be used to violate a provision
62 of sections 313.800 to 313.850;
- 63 (14) Has in the person's possession, except a gambling licensee or employee of a
64 gambling licensee acting in furtherance of the employee's employment, any key or device
65 designed for the purpose of opening, entering, or affecting the operation of a gambling game,
66 drop box, or an electronic or mechanical device connected with the gambling game or for
67 removing coins, tokens, chips or other contents of the gambling game; or
- 68 (15) Knowingly makes a false statement of any material fact to the commission, its
69 agents or employees.
- 70 5. The possession of one or more of the devices described in subdivision (3), (5), (13)
71 or (14) of subsection 4 of this section permits a rebuttable inference that the possessor intended
72 to use the devices for cheating.

73 6. Except for wagers on gambling games or exchanges for money as provided in section
74 313.817 **or as payment for food or beverages on the excursion gambling boat**, a licensee who
75 exchanges tokens, chips, or other forms of credit to be used on gambling games for anything of
76 value commits a class B misdemeanor.

77 7. If the commission determines that reasonable grounds to believe that a violation of
78 sections 313.800 to 313.850 has occurred or is occurring which is a criminal offense, the
79 commission shall refer such matter to both the state attorney general and the prosecuting attorney
80 or circuit attorney having jurisdiction. The state attorney general and the prosecuting attorney
81 or circuit attorney with such jurisdiction shall have concurrent jurisdiction to commence actions
82 for violations of sections 313.800 to 313.850 where such violations have occurred.

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

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