

FIRST REGULAR SESSION

# HOUSE BILL NO. 1250

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CUPPS.

2783H.011

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To repeal section 572.010, RSMo, and to enact in lieu thereof one new section relating to the definition of a slot machine.

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Section A. Section 572.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 572.010, to read as follows: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

(1) "Advance gambling activity", a person advances gambling activity if, acting other than as a player, he or she 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 or her knowledge for purposes of gambling activity, he or she 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 does not constitute advancing gambling activity;

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.

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

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

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

33 (5) "Gambling device", any device, machine, paraphernalia or equipment that is used  
34 or usable in the playing phases of any gambling activity, whether that activity consists of  
35 gambling between persons or gambling by a person with a machine. However, lottery tickets,  
36 policy slips and other items used in the playing phases of lottery and policy schemes are not  
37 gambling devices within this definition;

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

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

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

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

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

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

61 (11) "Slot machine", a gambling device that as a result of the insertion of a coin or  
62 other object operates, either completely automatically or with the aid of some physical act by  
63 the player, in such a manner that, depending upon elements of chance, it may eject something  
64 of value. A device so constructed or readily adaptable or convertible to such use is no less a  
65 slot machine because it is not in working order or because some mechanical act of  
66 manipulation or repair is required to accomplish its adaptation, conversion or workability. **A**  
67 **device that has a preset payout percentage is a slot machine, regardless of whether a**  
68 **player can view any game outcome before play, the preview is optional or mandatory, or**  
69 **an outcome is selected from a predetermined finite pool.** Nor is it any less a slot machine  
70 because apart from its use or adaptability as such it may also sell or deliver something of  
71 value on a basis other than chance;

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

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

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