

h



3713H10.01F  
3713H10.72H  
SB 523

# ORIGINAL

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Griesheimer

Offered By

61

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute  
2 for Senate Bill No. 523, Pages 84, Section 311.660, Lines 27-29, by deleting said lines and inserting  
3 in lieu thereof the following:

4  
5 "liquor of any kind; ~~and~~

6 (10) To refer to the Missouri gaming commission, Missouri state highway patrol, and local  
7 law enforcement agencies any suspected illegal gambling activity punishable under chapter 572  
8 being conducted on the premises of a location licensed under this chapter, which shall be  
9 investigated under section 43.380; and

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

12  
13 Further amend said bill, page, and section, Line 33, by inserting after said section and line the  
14 following:

15  
16 "311.680. 1. Whenever it shall be shown, or whenever the supervisor of liquor control has  
17 knowledge, that a person licensed hereunder has not at all times kept an orderly place or house, or  
18 has violated any of the provisions of this chapter, the supervisor of liquor control may warn, place  
19 on probation on such terms and conditions as the supervisor of liquor control deems appropriate for  
20 a period not to exceed twelve months, suspend or revoke the license of that person, but the person  
21 shall have ten days' notice of the application to warn, place on probation, suspend or revoke the  
22 person's license prior to the order of warning, probation, revocation or suspension issuing.

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

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

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

35 5. Any retailer with five thousand or more occupant capacity licensed pursuant to this  
36 chapter in lieu of the suspension or revocation authorized by subsection 1 of this section, may be

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 assessed a civil penalty or fine by the supervisor of liquor control of not less than fifty dollars nor  
2 more than five thousand dollars for each violation.

3 6. (1) Upon notification by the Missouri gaming commission or a law enforcement agency  
4 of possession of a gambling device, as defined pursuant to section 572.010, by a person licensed  
5 pursuant to this chapter, the supervisor of liquor control shall suspend or revoke the license of such  
6 person on such terms and conditions as the supervisor of liquor control deems appropriate, provided  
7 such person shall be given ten days to remove such gambling device from the premises prior to the  
8 supervisor of liquor control taking action pursuant to this subsection. Upon a second or subsequent  
9 notification pursuant to this subsection of the possession of a gambling device by a person licensed  
10 pursuant to this chapter, the supervisor of liquor control shall not be required to give such person ten  
11 days to remove such gambling device from the premises prior to taking action pursuant to this  
12 subsection.

13 (2) The supervisor of liquor control shall, by no later than August 15, 2020, provide written  
14 or electronic notice to all persons licensed pursuant to this chapter informing such persons of the  
15 provisions of this subsection and section 311.720.

16 7. Any aggrieved person may appeal to the administrative hearing commission in  
17 accordance with section 311.691.

18 ~~[7.]~~ 8. In order to encourage the early resolution of disputes between the supervisor of liquor  
19 control and licensees, the supervisor of liquor control, prior to issuing an order of warning,  
20 probation, revocation, suspension, or fine, shall provide the licensee with the opportunity to meet or  
21 to confer with the supervisor of liquor control, or his or her designee, concerning the alleged  
22 violations. At least ten days prior to such meeting or conference, the supervisor shall provide the  
23 licensee with notice of the time and place of such meeting or conference, and the supervisor of  
24 liquor control shall also provide the licensee with a written description of the specific conduct for  
25 which discipline is sought, a citation of the law or rules allegedly violated, and, upon request, copies  
26 of any violation report or any other documents which are the basis for such action. Any order of  
27 warning, probation, revocation, suspension, or fine shall be effective no sooner than thirty days from  
28 the date of such order.

29 311.710. 1. In addition to the penalties and proceedings for suspension or revocation of  
30 licenses provided for in this chapter, and without limiting them, proceedings for the suspension or  
31 revocation of any license authorizing the sale of intoxicating liquor at retail may be brought in the  
32 circuit court of any county in this state, or in the city of St. Louis, in which the licensed premises are  
33 located and such proceedings may be brought by the sheriff or any peace officer of that county or by  
34 any eight or more persons who are taxpaying citizens of the county or city for any of the following  
35 offenses:

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

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

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

42 (4) Selling, offering for sale, possessing or knowingly permitting the consumption on the  
43 licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which  
44 is not authorized under his license;

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

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

49 (7) Permitting on the licensed premises any form of gambling device punishable under

1 chapter 572.

2 2. Provided, that said taxpaying citizen shall submit in writing, under oath, by registered  
3 United States mail to the supervisor of liquor control a joint complaint, stating the name of the  
4 licensee, the name under which the licensee's business is conducted and the address of the licensed  
5 premises, setting out in general the character and nature of the offense or offenses charged, together  
6 with the names and addresses of the witnesses by whom proof thereof is expected to be made; and  
7 provided, that after a period of thirty days after the mailing of such complaint to the supervisor of  
8 liquor control the person therein complained of shall not have been cited by the supervisor to appear  
9 and show cause why his license should not be suspended or revoked then they shall file with the  
10 circuit clerk of the county or city in which the premises are located a copy of the complaint on file  
11 with the supervisor of liquor control.

12 3. If, pursuant to the receipt of such complaint by the supervisor of liquor control, the  
13 licensee appears and shows cause why his license should not be suspended or revoked at a hearing  
14 held for that purpose by the supervisor and either the complainants or the licensee consider  
15 themselves aggrieved with the order of the supervisor then, after a request in writing by either the  
16 complainants or the licensee, the supervisor shall certify to the circuit clerk of the county or city in  
17 which the licensed premises are located a copy of the original complaint filed with him, together  
18 with a copy of the transcript of the evidence adduced at the hearing held by him. Such certification  
19 by the supervisor shall not act as a supersedeas of any order made by him.

20 4. Upon receipt of such complaint, whether from the complainant directly or from the  
21 supervisor of liquor control, the court shall set a date for an early hearing thereon and it shall be the  
22 duty of the circuit clerk to cause to be delivered by registered United States mail to the prosecuting  
23 attorney of the county or to the circuit attorney of the city of St. Louis and to the licensee copies of  
24 the complaint and he shall, at the same time, give notice of the time and place of the hearing. Such  
25 notice shall be delivered to the prosecuting attorney or to the circuit attorney and to the licensee at  
26 least fifteen days prior to the date of the hearing.

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

30 6. If the court shall find upon the hearing that the offense or offenses charged in the  
31 complaint have been established by the evidence, the court shall order the suspension or revocation  
32 of the license but, in so doing, shall take into consideration whatever order, if any, may have been  
33 made in the premises by the supervisor of liquor control. If the court finds that to revoke the license  
34 would be unduly severe, then the court may suspend the license for such period of time as the court  
35 deems proper.

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

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

40 9. The jurisdiction herein conferred upon the circuit courts to hear and determine complaints  
41 for the suspension or revocation of licenses in the manner provided in this section shall not be  
42 exclusive and any authority conferred upon the supervisor of liquor control to revoke or suspend  
43 licenses shall remain in full force and effect, and the suspension or revocation of a license as  
44 provided in this section shall be in addition to and not in lieu of any other revocation or suspension  
45 provided by this chapter.

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

48 311.720. Conviction in any court of any violation of this chapter or chapter 572, or any  
49 felony violation of chapter 195, in the course of business, shall have the effect of automatically

1 revoking the license of the person convicted, and such revocation shall continue operative until said  
2 case is finally disposed of, and if the defendant is finally acquitted, he may apply for and receive a  
3 license hereunder, upon paying the regular license charge therefor, in the same manner as though he  
4 had never had a license hereunder; provided, however, that the provisions of this section shall not  
5 apply to violations of section 311.070, and violations of said section shall be punished only as  
6 therein provided.

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

14 2. The initial members of the commission shall be appointed within thirty days of April 29,  
15 1993. Of the members first appointed, one shall be appointed for a one-year term, two shall be  
16 appointed for a two-year term and two shall be appointed for a three-year term. Thereafter, all  
17 members appointed shall serve for a three-year term. No person shall serve as a member more than  
18 six years. The governor shall designate one of the members as the chair. The governor may remove  
19 any member of the commission from office for malfeasance or neglect of duty in office. The  
20 governor may also replace any member of the commission, with the advice and consent of the  
21 senate, when any responsibility concerning the state lottery, pari-mutuel wagering or any other form  
22 of gaming is placed under the jurisdiction of the commission.

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

27 4. The commission shall perform all duties and have all the powers and responsibilities  
28 conferred and imposed upon it relating to excursion gambling boats and, after June 30, 1994, the  
29 lawful operation of the game of bingo under this chapter. Within the commission, there shall be  
30 established a division of gambling and after June 30, 1994, the division of bingo. Subject to  
31 appropriations, the commission may hire an executive director and any employees as it may deem  
32 necessary to carry out the commission's duties. The commission shall have authority to require  
33 investigations of any employee or applicant for employment as deemed necessary and use such  
34 information or any other information in the determination of employment. The commission shall  
35 promulgate rules and regulations establishing a code of ethics for its employees which shall include,  
36 but not be limited to, restrictions on which employees shall be prohibited from participating in or  
37 wagering on any game or gaming operation subject to the jurisdiction of the commission. The  
38 commission shall determine if any other employees of the commission or any licensee of the  
39 commission shall participate or wager in any operation under the jurisdiction of the commission.

40 5. On April 29, 1993, all the authority, powers, duties, functions, records, personnel,  
41 property, matters pending and all other pertinent vestiges of the state tourism commission relating to  
42 the regulation of excursion gambling boats and, after June 30, 1994, of the department of revenue  
43 relating to the regulation of the game of bingo shall be transferred to the Missouri gaming  
44 commission.

45 6. The commission shall be assigned to the department of public safety as a type III  
46 division, but the director of the department of public safety has no supervision, authority or control  
47 over the actions or decisions of the commission.

48 7. Members of the Missouri gaming commission shall receive as compensation, the amount  
49 of one hundred dollars for every day in which the commission holds a meeting, when such meeting



1 is subject to the recording of minutes as provided in chapter 610, and shall be reimbursed for  
2 reasonable expenses incurred in the performance of their duties. The chair shall receive as  
3 additional compensation one hundred dollars for each month such person serves on the commission  
4 in that capacity.

5 8. No member or employee of the commission shall be appointed or continue to be a  
6 member or employee who is licensed by the commission as an excursion gambling boat operator or  
7 supplier and no member or employee of the commission shall be appointed or continue to be a  
8 member or employee who is related to any person within the second degree of consanguinity or  
9 affinity who is licensed by the commission as an excursion gambling boat operator or supplier. The  
10 commission shall determine by rule and regulation appropriate restrictions on the relationship of  
11 members and employees of the commission to persons holding or applying for occupational licenses  
12 from the commission or to employees of any licensee of the commission. No peace officer, as  
13 defined by section 590.010, who is designated to have direct regulator authority related to excursion  
14 gambling boats shall be employed by any excursion gambling boat or supplier licensed by the  
15 commission while employed as a peace officer. No member or employee of the commission or any  
16 employee of the state attorney general's office or the state highway patrol who has direct authority  
17 over the regulation or investigation of any applicant or licensee of the commission or any peace  
18 officer of any city or county which has approved excursion boat gambling shall accept any gift or  
19 gratuity from an applicant or licensee while serving as a member or while under such employment.  
20 Any person knowingly in violation of the provisions of this subsection is guilty of a class A  
21 misdemeanor. Any such member, officer or employee who personally or whose prohibited relative  
22 knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon  
23 conviction, immediately and thereupon forfeit his office or employment.

24 9. The commission may enter into agreements with the Federal Bureau of Investigation, the  
25 Federal Internal Revenue Service, the state attorney general, the Missouri state highway patrol, or  
26 any state, federal or local agency the commission deems necessary to carry out the duties of the  
27 commission, including investigations relating to and the enforcement of the provisions of chapter  
28 572 relating to illegal gambling. No state agency shall count employees used in any agreements  
29 entered into with the commission against any personnel cap authorized by any statute. Any  
30 consideration paid by the commission for the purpose of entering into, or to carry out, any  
31 agreement shall be considered an administrative expense of the commission. When such  
32 agreements are entered into for responsibilities relating to excursion gambling boats, or for the  
33 purpose of investigating illegal gambling pursuant to chapter 572 utilizing existing Missouri state  
34 highway patrol personnel assigned to enforce the regulations of licensed gaming activities governed  
35 by chapter 313, the commission shall require excursion gambling boat licensees to pay for such  
36 services under rules and regulations of the commission. The commission may provide by rules and  
37 regulations for the offset of any prize or winnings won by any person making a wager subject to the  
38 jurisdiction of the commission, when practical, when such person has an outstanding debt owed the  
39 state of Missouri.

40 10. No person who has served as a member or employee of the commission, as a member of  
41 the general assembly, as an elected or appointed official of the state or of any city or county of this  
42 state in which the licensing of excursion gambling boats has been approved in either the city or  
43 county or both or any employee of the state highway patrol designated by the superintendent of the  
44 highway patrol or any employee of the state attorney general's office designated by the state attorney  
45 general to have direct regulatory authority related to excursion gambling boats shall, while in such  
46 office or during such employment and during the first two years after termination of his office or  
47 position, obtain direct ownership interest in or be employed by any excursion gambling boat  
48 licensed by the commission or which has applied for a license to the commission or enter into a  
49 contractual relationship related to direct gaming activity. A "direct ownership interest" shall be

1 defined as any financial interest, equitable interest, beneficial interest, or ownership control held by  
2 the public official or employee, or such person's family member related within the second degree of  
3 consanguinity or affinity, in any excursion gambling boat operation or any parent or subsidiary  
4 company which owns or operates an excursion gambling boat or as a supplier to any excursion  
5 gambling boat which has applied for or been granted a license by the commission, provided that a  
6 direct ownership interest shall not include any equity interest purchased at fair market value or  
7 equity interest received as consideration for goods and services provided at fair market value of less  
8 than one percent of the total outstanding shares of stock of any publicly traded corporation or  
9 certificates of partnership of any limited partnership which is listed on a regulated stock exchange or  
10 automated quotation system. Any person who knowingly violates the provisions of this subsection  
11 is guilty of a class E felony. Any such member, officer or employee who personally and knowingly  
12 violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon  
13 conviction, immediately and thereupon forfeit his office or employment. For purposes of this  
14 subsection, "appointed official" shall mean any official of this state or of any city or county  
15 authorized under subsection 10 of section 313.812 appointed to a position which has discretionary  
16 powers over the operations of any licensee or applicant for licensure by the commission. This shall  
17 only apply if the appointed official has a direct ownership interest in an excursion gambling boat  
18 licensed by the commission or which has applied for a license to the commission to be docked  
19 within the jurisdiction of his or her appointment. No elected or appointed official, his or her spouse  
20 or dependent child shall, while in such office or within two years after termination of his or her  
21 office or position, be employed by an applicant for an excursion gambling boat license or an  
22 excursion gambling boat licensed by the commission. Any other person related to an elected or  
23 appointed official within the second degree of consanguinity or affinity employed by an applicant  
24 for an excursion gambling boat license or excursion gambling boat licensed by the commission shall  
25 disclose this relationship to the commission. Such disclosure shall be in writing and shall include  
26 who is employing such individual, that person's relationship to the elected or appointed official, and  
27 a job description for which the person is being employed. The commission may require additional  
28 information as it may determine necessary.

29 11. The commission may enter into contracts with any private entity the commission deems  
30 necessary to carry out the duties of the commission, other than criminal law enforcement, provision  
31 of legal counsel before the courts and other agencies of this state, and the enforcement of liquor  
32 laws. The commission may require provisions for special auditing requirements, investigations and  
33 restrictions on the employees of any private entity with which a contract is entered into by the  
34 commission.

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

38 13. (1) The commission shall establish a telephone contact number, which shall be  
39 prominently displayed on the commission's website, to receive reports of suspected illegal gambling  
40 activities. Upon the receipt of such report, the commission shall refer such reports to the Missouri  
41 state highway patrol for investigation pursuant to this section. The commission shall notify the  
42 subject of such investigation within thirty days of receiving a report under this subsection.

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

46 (3) Upon the request of a prosecuting or circuit attorney, the attorney general shall aid a  
47 prosecuting or circuit attorney in prosecuting violations referred by the superintendent of the  
48 highway patrol.

49 (4) Local law enforcement agencies shall notify the supervisor of liquor control, the state

1 lottery commission, and the Missouri gaming commission of all investigations of potential  
 2 violations punishable under chapter 572.

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

6 (6) Any person or establishment licensed under this chapter that is convicted of or pleads  
 7 guilty to a violation punishable under chapter 572, and any affiliated company of such person or  
 8 establishment, shall be permanently prohibited from being licensed to participate in any way in a  
 9 program implementing video lottery gaming terminals should such a program be implemented in  
 10 this state."; and

11  
 12 Further amend said bill and page, Section 313.220, Line 19, by inserting after said section and line  
 13 the following:

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

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

28 3. The commission shall require every retailer to post a bond, a bonding fee or a letter of  
 29 credit in such amount as may be required by the commission, and upon licensure shall prominently  
 30 display his license, or a copy thereof, as provided in the rules and regulations of the commission.

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

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

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

34 (1) Has knowingly provided false or misleading information to the commission or its  
 35 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 for any of the following causes:

39 (1) A change of business location;

40 (2) An insufficient sales volume;

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

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

44 (5) Possession of a gambling device as defined pursuant to section 572.010."; and

45  
 46  
 47 Further amend said bill, Page 93, Section 570.027, Line 17, by inserting after said section  
 48 and line the following:

1 "572.010. As used in this chapter the following terms mean:

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

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

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

21 (4) "Gambling", a person engages in gambling when he or she stakes or risks something of  
22 value upon the outcome of a contest of chance or a future contingent event not under his or her  
23 control or influence, upon an agreement or understanding that he or she will receive something of  
24 value in the event of a certain outcome. Gambling does not include bona fide business transactions  
25 valid 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, health  
28 or accident insurance; nor does gambling include playing an amusement device that confers only an  
29 immediate right of replay not exchangeable for something of value. Gambling does not include any  
30 licensed activity, or persons participating in such games which are covered by sections 313.800 to  
31 313.840;

32 (5) "Gambling device", any device, machine, paraphernalia or equipment that is not  
33 approved by the Missouri gaming commission or state lottery commission under the provisions of  
34 chapter 313 and that:

35 (a) Contains a random number generator where prize payout percentages are controlled or  
36 adjustable;

37 (b) Is used in any scenario where coins or cash prizes are involved or any scenario where a  
38 prize is converted to cash or monetary credit of any kind related to the use of the gambling device;  
39 or

40 (c) Is used or usable in the playing phases of any gambling activity, whether that activity  
41 consists of gambling between persons or gambling by a person with a machine, regardless of  
42 whether the machine or device or system or network of devices includes a preview of the outcome  
43 or whether the outcome is known, displayed, or capable of being known or displayed to the user.

44  
45 Any device not described in paragraphs (a) to (c) of this subdivision that a reasonable person would  
46 believe is usable or can be made readily usable in gambling or any phases of gambling activity shall  
47 be prima facie evidence of a gambling device and may be subject to seizure by any peace officer in  
48 this state. However, lottery tickets, policy slips and other items used in the playing phases of lottery  
49 and policy schemes are not gambling devices within this definition;



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

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

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

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

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

22 (11) "Slot machine", a gambling device that as a result of the insertion of a coin or other  
23 object operates, either completely automatically or with the aid of some physical act by the player,  
24 in such a manner that, depending upon elements of chance, from the perspective of a player or a  
25 reasonable person, it may eject something of value, regardless of whether the machine or device or  
26 system or network of devices includes a preview of the outcome or whether the outcome is known,  
27 displayed, or capable of being known or displayed to the user. A device so constructed or readily  
28 adaptable or convertible to such use is no less a slot machine because it is not in working order or  
29 because some mechanical act of manipulation or repair is required to accomplish its adaptation,  
30 conversion or workability. Nor is it any less a slot machine because apart from its use or  
31 adaptability as such it may also sell or deliver something of value on a basis other than chance;

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

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

37 572.015. 1. Nothing in this chapter prohibits constitutionally authorized activities under  
38 Article III, Sections 39(a) to 39(f) of the Missouri Constitution.

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

41 (1) "Net proceeds", the gross amount paid for tickets for a raffle or sweepstakes minus the  
42 payment of prizes and administrative expenses. Administrative expenses relating to the purchase or  
43 rental of supplies and equipment utilized in conducting the raffle or sweepstakes shall not be in  
44 excess of the reasonable market purchase price or reasonable market rental rate for such supplies  
45 and equipment, and in no case shall such administrative expenses be based on a percentage of  
46 proceeds.

47 (2) "Raffle" or "sweepstakes", the award by chance of one or more prizes to one or more  
48 persons among a group of persons who have paid or promised something of value in exchange for a  
49 ticket that represents one or more equal chances to win a prize, and for which all tickets have been

1 sold prior to the selection of a winner or winners;

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

6 572.100. The general assembly by enacting this chapter intends to preempt any other  
7 regulation of the area covered by this chapter. No governmental subdivision or agency may enact or  
8 enforce a law that regulates or makes any conduct in the area covered by this chapter an offense, or  
9 the subject of a criminal or civil penalty or sanction of any kind, except for the revocation,  
10 suspension, or denial by the Missouri lottery commission, the Missouri gaming commission, or the  
11 division of alcohol and tobacco control of a license issued under chapters 311 or 313. The term  
12 "gambling", as used in this chapter, does not include licensed activities under sections 313.800 to  
13 313.840."; and

14  
15 Further amend said bill, Page 131, Section D, Line 5, by inserting after said section and line the  
16 following:

17  
18 "Section E. Because of the need to eliminate illegal gambling activity in this state, the repeal  
19 and reenactment of sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.255, 572.010,  
20 572.015, and 572.100 of this act is deemed necessary for the immediate preservation of the public  
21 health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning  
22 of the constitution, and the repeal and reenactment of sections 311.660, 311.680, 311.710, 311.720,  
23 313.004, 313.255, 572.010, 572.015, and 572.100 of this act shall be in full force and effect upon its  
24 passage and approval."

25  
26 Further amend said bill by amending the title, enacting clause, and intersectional references  
27 accordingly.