

SECOND REGULAR SESSION

SENATE BILL NO. 1045

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time February 10, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6354S.011

AN ACT

To repeal section 572.010 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 572.010 as enacted by Referendum, Proposition A, November 3, 1992, and to enact in lieu thereof one new section relating to gambling.

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

Section A. Section 572.010 as enacted by senate bill no. 491, ninety-
2 seventh general assembly, second regular session, and section 572.010 as enacted
3 by Referendum, Proposition A, November 3, 1992, are repealed and one new
4 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:

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

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

16 gambling boat under sections 313.800 to 313.840 does not constitute advancing
17 gambling activity. **The offering and operating of a fantasy contest as**
18 **defined in this section does not constitute advance gambling activity;**

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

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

26 (4) **"Fantasy contest", any fantasy or simulated game or contest,**
27 **which may include payment of an entry fee, in which:**

28 (a) **Winning participants are eligible to receive cash or anything**
29 **else of value;**

30 (b) **The value of all prizes and awards offered to winning**
31 **participants are established and made known to the participants in**
32 **advance of the contest;**

33 (c) **All winning outcomes reflect the relative knowledge and skill**
34 **of the participants and shall be determined predominantly by**
35 **accumulated statistical results of the performance of individuals,**
36 **including athletes in the case of sports events; and**

37 (d) **No winning outcome is based on the score, point spread, or**
38 **any performance or performances of any single actual team or**
39 **combination of such teams or solely on any single performance of an**
40 **individual athlete or player in any single actual event;**

41 (5) "Gambling", a person engages in gambling when he or she stakes or
42 risks something of value upon the outcome of a contest of chance or a future
43 contingent event not under his or her control or influence, upon an agreement or
44 understanding that he or she will receive something of value in the event of a
45 certain outcome. Gambling does not include bona fide business transactions valid
46 under the law of contracts, including but not limited to contracts for the purchase
47 or sale at a future date of securities or commodities, and agreements to
48 compensate for loss caused by the happening of chance, including but not limited
49 to contracts of indemnity or guaranty and life, health or accident insurance; nor
50 does gambling include playing an amusement device that confers only an
51 immediate right of replay not exchangeable for something of value. Gambling

52 does not include any licensed activity, or persons participating in such games
53 which are covered by sections 313.800 to 313.840. **Gambling does not include**
54 **participating in a fantasy contest as defined in this section;**

55 [(5)] (6) "Gambling device", any device, machine, paraphernalia or
56 equipment that is used or usable in the playing phases of any gambling activity,
57 whether that activity consists of gambling between persons or gambling by a
58 person with a machine. However, lottery tickets, policy slips and other items
59 used in the playing phases of lottery and policy schemes are not gambling devices
60 within this definition;

61 [(6)] (7) "Gambling record", any article, instrument, record, receipt,
62 ticket, certificate, token, slip or notation used or intended to be used in
63 connection with unlawful gambling activity;

64 [(7)] (8) "Lottery" or "policy", an unlawful gambling scheme in which for
65 a consideration the participants are given an opportunity to win something of
66 value, the award of which is determined by chance;

67 [(8)] (9) "Player", a person who engages in any form of gambling solely
68 as a contestant or bettor, without receiving or becoming entitled to receive any
69 profit therefrom other than personal gambling winnings, and without otherwise
70 rendering any material assistance to the establishment, conduct or operation of
71 the particular gambling activity. A person who gambles at a social game of
72 chance on equal terms with the other participants therein does not otherwise
73 render material assistance to the establishment, conduct or operation thereof by
74 performing, without fee or remuneration, acts directed toward the arrangement
75 or facilitation of the game, such as inviting persons to play, permitting the use
76 of premises therefor and supplying cards or other equipment used therein. A
77 person who engages in "bookmaking" as defined in subdivision (2) of this section
78 is not a player;

79 [(9)] (10) "Professional player", a player who engages in gambling for a
80 livelihood or who has derived at least twenty percent of his or her income in any
81 one year within the past five years from acting solely as a player;

82 [(10)] (11) "Profit from gambling activity", a person profits from gambling
83 activity if, other than as a player, he or she accepts or receives money or other
84 property pursuant to an agreement or understanding with any person whereby
85 he participates or is to participate in the proceeds of gambling activity;

86 [(11)] (12) "Slot machine", a gambling device that as a result of the
87 insertion of a coin or other object operates, either completely automatically or

88 with the aid of some physical act by the player, in such a manner that, depending
89 upon elements of chance, it may eject something of value. A device so constructed
90 or readily adaptable or convertible to such use is no less a slot machine because
91 it is not in working order or because some mechanical act of manipulation or
92 repair is required to accomplish its adaptation, conversion or workability. Nor
93 is it any less a slot machine because apart from its use or adaptability as such it
94 may also sell or deliver something of value on a basis other than chance;

95 [(12)] **(13)** "Something of value", any money or property, any token, object
96 or article exchangeable for money or property, or any form of credit or promise
97 directly or indirectly contemplating transfer of money or property or of any
98 interest therein or involving extension of a service, entertainment or a privilege
99 of playing at a game or scheme without charge;

100 [(13)] **(14)** "Unlawful", not specifically authorized by law.

572.010. As used in this chapter:

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

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

22 (3) "Contest of chance" means any contest, game, gaming scheme or
23 gaming device in which the outcome depends in a material degree upon an

24 element of chance, notwithstanding that the skill of the contestants may also be
25 a factor therein;

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35 **accumulated statistical results of the performance of individuals,**
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37 (d) **No winning outcome is based on the score, point spread, or**
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97 or promise directly or indirectly contemplating transfer of money or property or
98 of any interest therein or involving extension of a service, entertainment or a
99 privilege of playing at a game or scheme without charge;

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Bill

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