

SECOND REGULAR SESSION

# SENATE BILL NO. 741

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Read 1st time January 16, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5408S.011

## AN ACT

To repeal sections 313.800, 313.812, 313.817, and 313.830, RSMo, and to enact in lieu thereof four new sections relating to financial transactions of gaming establishments, with penalty provisions.

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

Section A. Sections 313.800, 313.812, 313.817, and 313.830, RSMo, are  
2 repealed and four new sections enacted in lieu thereof, to be known as sections  
3 313.800, 313.812, 313.817, and 313.830, to read as follows:

313.800. 1. As used in sections 313.800 to 313.850, unless the context  
2 clearly requires otherwise, the following terms mean:

3 (1) "Adjusted gross receipts", the gross receipts from licensed gambling  
4 games and devices less winnings paid to wagerers;

5 (2) "Applicant", any person applying for a license authorized under the  
6 provisions of sections 313.800 to 313.850;

7 (3) "Bank", the elevations of ground which confine the waters of the  
8 Mississippi or Missouri Rivers at the ordinary high water mark as defined by  
9 common law;

10 (4) "Capital, cultural, and special law enforcement purpose expenditures"  
11 shall include any disbursement, including disbursements for principal, interest,  
12 and costs of issuance and trustee administration related to any indebtedness, for  
13 the acquisition of land, land improvements, buildings and building improvements,  
14 vehicles, machinery, equipment, works of art, intersections, signing, signalization,  
15 parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest  
16 area, river port, airport, light rail, railroad, other mass transit, pedestrian  
17 shopping malls and plazas, parks, lawns, trees, and other landscape, convention

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

18 center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses  
19 and underpasses, utilities, streetscape, lighting, trash receptacles, marquees,  
20 paintings, murals, fountains, sculptures, water and sewer systems, dams,  
21 drainage systems, creek bank restoration, any asset with a useful life greater  
22 than one year, cultural events, and any expenditure related to a law enforcement  
23 officer deployed as horse-mounted patrol, school resource or drug awareness  
24 resistance education (D.A.R.E) officer;

25 (5) "Cheat", to alter the selection of criteria which determine the result  
26 of a gambling game or the amount or frequency of payment in a gambling game;

27 (6) "Commission", the Missouri gaming commission;

28 (7) **"Credit instrument", a written check, negotiable instrument,**  
29 **automatic bank draft or other authorization from a qualified person to**  
30 **an excursion gambling boat licensee or any of its affiliated companies**  
31 **licensed by the commission authorizing the licensee to withdraw the**  
32 **amount of credit extended by the licensee to such person from the**  
33 **qualified person's banking account on or after a date certain of not**  
34 **more than thirty days from the date the credit was extended, and**  
35 **includes any such writing taken in consolidation, redemption or**  
36 **payment of a previous credit instrument, but does not include any**  
37 **interest-bearing installment loan or other extension of credit secured**  
38 **by collateral;**

39 (8) "Dock", the location in a city or county authorized under subsection  
40 10 of section 313.812 which contains any natural or artificial space, inlet, hollow,  
41 or basin, in or adjacent to a bank of the Mississippi or Missouri Rivers, next to  
42 a wharf or landing devoted to the embarking of passengers on and disembarking  
43 of passengers from a gambling excursion but shall not include any artificial space  
44 created after May 20, 1994, and is located more than one thousand feet from the  
45 closest edge of the main channel of the river as established by the United States  
46 Army Corps of Engineers;

47 [(8)] (9) "Excursion gambling boat", a boat, ferry or other floating facility  
48 licensed by the commission on which gambling games are allowed;

49 [(9)] (10) "Fiscal year" shall for the purposes of subsections 3 and 4 of  
50 section 313.820 mean the fiscal year of a home dock city or county;

51 [(10)] (11) "Floating facility", any facility built or originally built as a  
52 boat, ferry or barge licensed by the commission on which gambling games are  
53 allowed;

54 [(11)] (12) "Gambling excursion", the time during which gambling games  
55 may be operated on an excursion gambling boat whether docked or during a  
56 cruise;

57 [(12)] (13) "Gambling game" includes, but is not limited to, games of skill  
58 or games of chance on an excursion gambling boat but does not include gambling  
59 on sporting events; provided such games of chance are approved by amendment  
60 to the Missouri Constitution;

61 [(13)] (14) "Games of chance", any gambling game in which the player's  
62 expected return is not favorably increased by his or her reason, foresight,  
63 dexterity, sagacity, design, information or strategy;

64 [(14)] (15) "Games of skill", any gambling game in which there is an  
65 opportunity for the player to use his or her reason, foresight, dexterity, sagacity,  
66 design, information or strategy to favorably increase the player's expected return;  
67 including, but not limited to, the gambling games known as "poker", "blackjack"  
68 (twenty-one), "craps", "Caribbean stud", "pai gow poker", "Texas hold'em", "double  
69 down stud", and any video representation of such games;

70 [(15)] (16) "Gross receipts", the total sums wagered by patrons of licensed  
71 gambling games;

72 [(16)] (17) "Holder of occupational license", a person licensed by the  
73 commission to perform an occupation within excursion gambling boat operations  
74 which the commission has identified as requiring a license;

75 [(17)] (18) "Licensee", any person licensed under sections 313.800 to  
76 313.850;

77 [(18)] (19) "Mississippi River" and "Missouri River", the water, bed and  
78 banks of those rivers, including any space filled by the water of those rivers for  
79 docking purposes in a manner approved by the commission but shall not include  
80 any artificial space created after May 20, 1994, and is located more than one  
81 thousand feet from the closest edge of the main channel of the river as  
82 established by the United States Army Corps of Engineers;

83 [(19)] (20) "Supplier", a person who sells or leases gambling equipment  
84 and gambling supplies to any licensee.

85 2. In addition to the games of skill [referred to in subdivision (14) of]  
86 **defined in** this section, the commission may approve other games of skill upon  
87 receiving a petition requesting approval of a gambling game from any applicant  
88 or licensee. The commission may set the matter for hearing by serving the  
89 applicant or licensee with written notice of the time and place of the hearing not

90 less than five days prior to the date of the hearing and posting a public notice at  
91 each commission office. The commission shall require the applicant or licensee  
92 to pay the cost of placing a notice in a newspaper of general circulation in the  
93 applicant's or licensee's home dock city or county. The burden of proof that the  
94 gambling game is a game of skill is at all times on the petitioner. The petitioner  
95 shall have the affirmative responsibility of establishing his or her case by a  
96 preponderance of evidence including:

97 (1) Is it in the best interest of gaming to allow the game; and

98 (2) Is the gambling game a game of chance or a game of skill?

99 All testimony shall be given under oath or affirmation. Any citizen of this state  
100 shall have the opportunity to testify on the merits of the petition. The  
101 commission may subpoena witnesses to offer expert testimony. Upon conclusion  
102 of the hearing, the commission shall evaluate the record of the hearing and issue  
103 written findings of fact that shall be based exclusively on the evidence and on  
104 matters officially noticed. The commission shall then render a written decision  
105 on the merits which shall contain findings of fact, conclusions of law and a final  
106 commission order. The final commission order shall be within thirty days of the  
107 hearing. Copies of the final commission order shall be served on the petitioner  
108 by certified or overnight express mail, postage prepaid, or by personal delivery.

313.812. 1. The commission may issue licenses pursuant to subsection 1  
2 of section 313.807 when it is satisfied that the applicant has complied with all  
3 rules and regulations, including an update of all information provided to the  
4 commission in the licensee's initial application. The commission shall decide the  
5 number, location and type of excursion gambling boat in a city or county under  
6 subsection 10 of this section. The license shall set forth the name of the licensee,  
7 the type of license granted, the place where the excursion gambling boat will  
8 operate and dock, including the docking of an excursion gambling boat which is  
9 continuously docked, and other information the commission deems  
10 appropriate. The commission shall have the ultimate responsibility of deciding  
11 the number, location, and type of excursion gambling boats licensed in a city or  
12 county; however, any city or county which has complied with the provisions of  
13 subsection 10 of this section shall submit to the commission a plan outlining the  
14 following:

15 (1) The recommended number of licensed excursion gambling boats  
16 operating in such city or county;

17 (2) The recommended licensee or licensees operating in such city or

18 county;

19 (3) The community's economic development or impact and affirmative  
20 action plan concerning minorities' and women's ownership, contracting and  
21 employment for the waterfront development;

22 (4) The city or county proposed sharing of revenue with any other  
23 municipality;

24 (5) Any other information such city or county deems necessary; and

25 (6) Any other information the commission may determine is necessary.

26 The commission shall provide for due dates for receiving such plan from the city  
27 or county.

28 2. A license to operate an excursion gambling boat shall only be granted  
29 to an applicant upon the express conditions that:

30 (1) The applicant shall not, by a lease, contract, understanding, or  
31 arrangement of any kind, grant, assign, or turn over to a person the operation of  
32 an excursion gambling boat licensed under this section or of the system of  
33 wagering described in section 313.817. This section does not prohibit a  
34 management contract with a person licensed by the commission; and

35 (2) The applicant shall not in any manner permit a person other than the  
36 licensee and the management licensee to have a share, percentage, or proportion  
37 of the money received for admissions to the excursion gambling boat.

38 3. The commission shall require, as a condition of granting a license, that  
39 an applicant operate an excursion gambling boat which, as nearly as practicable,  
40 resembles or is a part of Missouri's or the home dock city's or county's riverboat  
41 history.

42 4. The commission shall encourage through its rules and regulations the  
43 use of Missouri resources, goods and services in the operation of any excursion  
44 gambling boat.

45 5. The excursion gambling boat shall provide for nongaming areas, food  
46 service and a Missouri theme gift shop. The amount of space used for gaming  
47 shall be determined in accordance with all rules and regulations of the  
48 commission and the United States Coast Guard safety regulations.

49 6. A license to operate gambling games or to operate an excursion  
50 gambling boat shall not be granted unless the applicant has, through clear and  
51 convincing evidence, demonstrated financial responsibility sufficient to meet  
52 adequately the requirements of the proposed enterprise.

53 7. Each applicant shall establish by clear and convincing evidence its

54 fitness to be licensed. Without limitation, the commission may deny a license  
55 based solely on the fact that there is evidence that any of the following apply:

56 (1) The applicant has been suspended from operating an excursion  
57 gambling boat or a game of chance or gambling operation in another jurisdiction  
58 by a board or commission of that jurisdiction;

59 (2) The applicant is not the true owner of the enterprise proposed;

60 (3) The applicant is not the sole owner, and other persons have ownership  
61 in the enterprise, which fact has not been disclosed;

62 (4) The applicant is a corporation that is not publicly traded and ten  
63 percent or more of the stock of the corporation is subject to a contract or option  
64 to purchase at any time during the period for which the license is to be issued  
65 unless the contract or option was disclosed to the commission and the commission  
66 approved the sale or transfer during the period of the license;

67 (5) The applicant has knowingly made a false statement of a material fact  
68 to the commission; or

69 (6) The applicant has failed to meet a valid, bona fide monetary obligation  
70 in connection with an excursion gambling boat.

71 8. A license shall not be granted if the applicant has not established [his]  
72 **the applicant's** good repute and moral character or if the applicant has pled  
73 guilty to, or has been convicted of, a felony. No licensee shall employ or contract  
74 with any person who has pled guilty to, or has been convicted of, a felony to  
75 perform any duties directly connected with the licensee's privileges under a  
76 license granted pursuant to this section, except that employees performing  
77 nongaming related occupations as determined by the commission shall be exempt  
78 from the requirements of this subsection.

79 9. **Except as provided in section 313.817**, a licensee shall not lend to  
80 any person money or any other thing of value for the purpose of permitting that  
81 person to wager on any gambling game authorized by law. This does not prohibit  
82 credit card or debit card transactions or cashing of checks. Any check cashed,  
83 **other than a credit instrument**, must be deposited within twenty-four  
84 hours. **Except for any credit instrument**, the commission may require  
85 licensees to verify a sufficient account balance exists before cashing any  
86 check. Any licensee who violates the provisions of this subsection shall be subject  
87 to an administrative penalty of five thousand dollars for each violation. Such  
88 administrative penalties shall be assessed and collected by the commission.

89 10. Gambling excursions including the operation of gambling games on an

90 excursion gambling boat which is not continuously docked shall be allowed only  
91 on the Mississippi River and the Missouri River. No license to conduct gambling  
92 games on an excursion gambling boat in a city or county shall be issued unless  
93 and until the qualified voters of the city or county approve such activities  
94 pursuant to this subsection. The question shall be submitted to the qualified  
95 voters of the city or county at a general, primary or special election upon the  
96 motion of the governing body of the city or county or upon the petition of fifteen  
97 percent of the qualified voters of the city or county determined on the basis of the  
98 number of votes cast for governor in the city or county at the last election held  
99 prior to the filing of the petition. The question shall be submitted in  
100 substantially the following form:

101           Shall the City (County) of ..... allow the licensing of excursion  
102 gambling boats or floating facilities as now or hereafter provided by Missouri  
103 gaming law in the city (county)?

104                            YES    NO

105 If a majority of the votes cast on the question by the qualified voters voting  
106 thereon are in favor of the question, then the commission may license excursion  
107 gambling boats in that city or county and such boats may operate on the  
108 Mississippi River and the Missouri River. If a majority of the votes cast on the  
109 question by the qualified voters voting thereon are opposed to the question, then  
110 the commission shall not license such excursion gambling boats in such city or  
111 county unless and until the question is again submitted to and approved by a  
112 majority of the qualified voters of the city or county at a later election.

113 Excursion gambling boats may only dock in a city or unincorporated area of a  
114 county which approves licensing of such excursion gambling boats pursuant to  
115 this subsection, but gambling operations may be conducted at any point on the  
116 Mississippi River or the Missouri River during an excursion. Those cities and  
117 counties which have approved by election pursuant to this subsection, except  
118 those cities or counties which have subsequently rejected by election, the  
119 licensing of any type of excursion gambling boats in the city or county prior to  
120 April 6, 1994, are exempt from any local election requirement of this section as  
121 such previous election shall have the same effect as if held after May 20, 1994.

122           11. If a docking fee is charged by a city or a county, a licensee operating  
123 an excursion gambling boat shall pay the docking fee prior to the start of the  
124 excursion season.

125           12. Any licensee shall not be delinquent in the payment of property taxes

126 or other taxes or fees or in the payment of any other contractual obligation or  
127 debt due or owed to the state or a political subdivision of the state.

128         13. An excursion gambling boat licensed by the state shall meet all of the  
129 requirements of chapter 306 and is subject to an inspection of its sanitary  
130 facilities to protect the environment and water quality by the commission or its  
131 designee before a license to operate an excursion gambling boat is issued by the  
132 commission. Licensed excursion gambling boats shall also be subject to such  
133 inspections during the period of the license as may be deemed necessary by the  
134 commission. The cost of such inspections shall be paid by the licensee.

135         14. A holder of any license shall be subject to imposition of penalties,  
136 suspension or revocation of such license, or if the person is an applicant for  
137 licensure, the denial of the application, for any act or failure to act by himself or  
138 his agents or employees, that is injurious to the public health, safety, morals,  
139 good order and general welfare of the people of the state of Missouri, or that  
140 would discredit or tend to discredit the Missouri gaming industry or the state of  
141 Missouri unless the licensee proves by clear and convincing evidence that it is not  
142 guilty of such action. The commission shall take appropriate action against any  
143 licensee who violates the law or the rules and regulations of the  
144 commission. Without limiting other provisions of this subsection, the following  
145 acts or omissions may be grounds for such discipline:

146             (1) Failing to comply with or make provision for compliance with sections  
147 313.800 to 313.850, the rules and regulations of the commission or any federal,  
148 state or local law or regulation;

149             (2) Failing to comply with any rule, order or ruling of the commission or  
150 its agents pertaining to gaming;

151             (3) Receiving goods or services from a person or business entity who does  
152 not hold a supplier's license but who is required to hold such license by the  
153 provisions of sections 313.800 to 313.850 or the rules and regulations of the  
154 commission;

155             (4) Being suspended or ruled ineligible or having a license revoked or  
156 suspended in any state of gaming jurisdiction;

157             (5) Associating with, either socially or in business affairs, or employing  
158 persons of notorious or unsavory reputation or who have extensive police records,  
159 or who have failed to cooperate with any officially constituted investigatory or  
160 administrative body and would adversely affect public confidence and trust in  
161 gaming;



162 (6) Employing in any gambling games' operation or any excursion  
163 gambling boat operation, any person known to have been found guilty of cheating  
164 or using any improper device in connection with any gambling game;

165 (7) Use of fraud, deception, misrepresentation or bribery in securing any  
166 permit or license issued pursuant to sections 313.800 to 313.850;

167 (8) Obtaining or attempting to obtain any fee, charge, or other  
168 compensation by fraud, deception, or misrepresentation;

169 (9) Incompetence, misconduct, gross negligence, fraud, misrepresentation  
170 or dishonesty in the performance of the functions or duties regulated by sections  
171 313.800 to 313.850.

313.817. 1. Except as permitted in this section, the licensee licensed to  
2 operate gambling games shall permit no form of wagering on gambling games.

3 2. The licensee may receive wagers only from a person present on a  
4 licensed excursion gambling boat.

5 3. Wagering shall not be conducted with money or other negotiable  
6 currency. The licensee shall exchange the money **or credit instrument** of each  
7 wagerer for electronic or physical tokens, chips, or other forms of credit to be  
8 wagered on the gambling games. The licensee shall exchange the tokens, chips,  
9 or other forms of wagering credit for money at the request of the wagerer.

10 4. A person under twenty-one years of age shall not make a wager on an  
11 excursion gambling boat and shall not be allowed in the area of the excursion  
12 boat where gambling is being conducted; provided that employees of the licensed  
13 operator of the excursion gambling boat who have attained eighteen years of age  
14 shall be permitted in the area in which gambling is being conducted when  
15 performing employment-related duties, except that no one under twenty-one years  
16 of age may be employed as a dealer or accept a wager on an excursion gambling  
17 boat. The governing body of a home dock city or county may restrict the age of  
18 entrance onto an excursion gambling boat by passage of a local ordinance.

19 5. In order to help protect patrons from invasion of privacy and the  
20 possibility of identity theft, patrons shall not be required to provide fingerprints,  
21 retinal scans, biometric forms of identification, any type of patron-tracking cards,  
22 or other types of identification prior to being permitted to enter the area where  
23 gambling is being conducted on an excursion gambling boat or to make a wager,  
24 except that, for purposes of establishing that a patron is at least twenty-one years  
25 of age as provided in subsection 4 above, a licensee operating an excursion  
26 gambling boat shall be authorized to request such patron to provide a valid state

27 or federal photo identification or a valid passport. This section shall not prohibit  
28 enforcement of identification requirements that are required by federal law. This  
29 section shall not prohibit enforcement of any Missouri statute requiring  
30 identification of patrons for reasons other than being permitted to enter the area  
31 of an excursion gambling boat where gambling is being conducted or to make a  
32 wager.

33 6. A licensee shall only allow wagering and conduct gambling games at  
34 the times allowed by the commission.

35 7. It shall be unlawful for a person to present false identification to a  
36 licensee or a gaming agent in order to gain entrance to an excursion gambling  
37 boat, cash a check or verify that such person is legally entitled to be present on  
38 the excursion gambling boat. Any person who violates the provisions of this  
39 subsection shall be guilty of a class B misdemeanor for the first offense and a  
40 class A misdemeanor for second and subsequent offenses.

41 **8. Credit instruments executed on or after August 28, 2014, are**  
42 **valid contracts creating debt that is enforceable by legal process. A**  
43 **licensee may accept credit instruments from a qualified person in**  
44 **exchange for chips, tokens, or electronic tokens that can be wagered on**  
45 **gambling games at the licensee's excursion gambling boat. For the**  
46 **purposes of this subsection, "qualified person" means a person who has**  
47 **completed a credit application provided by the licensee and who is**  
48 **determined by the licensee, after performing a credit check and**  
49 **applying usual standards to establish creditworthiness, to qualify for**  
50 **a line of credit. Once the licensee makes the determination that a**  
51 **person is a qualified person, additional credit checks are not**  
52 **required. Approval to accept a credit instrument from a qualified**  
53 **person shall be made by the holder of an occupational license. A**  
54 **licensee may accept multiple credit instruments from the same person**  
55 **to consolidate or redeem a previous credit instrument. A lost or**  
56 **destroyed credit instrument shall remain valid and enforceable if the**  
57 **party seeking enforcement can prove its existence and terms. Any**  
58 **person who violates this subsection is subject only to the penalties**  
59 **provided in section 313.812. The commission shall have no authority to**  
60 **determine the validity or enforceability of a credit instrument or the**  
61 **enforceability of the debt that the credit instrument**  
62 **represents. Failure to comply with any regulation promulgated by the**

63 **commission shall not impact the validity or enforceability of the credit**  
64 **instrument or the debt that the credit instrument represents.**

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  
3 without a license issued by the commission;

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

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

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

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

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

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

18 3. A person wagering or accepting a wager at any location outside the  
19 excursion gambling boat is in violation of section 572.040.

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

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

30 (2) Solicits or knowingly accepts or receives a promise of anything of value  
31 or benefit while the person is connected with an excursion gambling boat  
32 including, but not limited to, an officer or employee of a licensee, or holder of an  
33 occupational license, pursuant to an understanding or arrangement or with the  
34 intent that the promise or thing of value or benefit will influence the actions of

35 the person to affect or attempt to affect the outcome of a gambling game, or to  
36 influence official action of a member of the commission;

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

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

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

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

42 (d) In analyzing the strategy for playing or betting to be used in the game,  
43 except as permitted by the commission;

44 (4) Cheats at a gambling game;

45 (5) Manufactures, sells, or distributes any cards, chips, dice, game or  
46 device which is intended to be used to violate any provision of sections 313.800  
47 to 313.850;

48 (6) Instructs a person in cheating or in the use of a device for that  
49 purpose with the knowledge or intent that the information or use conveyed may  
50 be employed to violate any provision of sections 313.800 to 313.850;

51 (7) Alters or misrepresents the outcome of a gambling game on which  
52 wagers have been made after the outcome is made sure but before it is revealed  
53 to the players;

54 (8) Places a bet after acquiring knowledge, not available to all players, of  
55 the outcome of the gambling game which is the subject of the bet or to aid a  
56 person in acquiring the knowledge for the purpose of placing a bet contingent on  
57 that outcome;

58 (9) Claims, collects, or takes, or attempts to claim, collect, or take, money  
59 or anything of value in or from the gambling games, with intent to defraud,  
60 without having made a wager contingent on winning a gambling game, or claims,  
61 collects, or takes an amount of money or thing of value of greater value than the  
62 amount won;

63 (10) Knowingly entices or induces a person to go to any place where a  
64 gambling game is being conducted or operated in violation of the provisions of  
65 sections 313.800 to 313.850 with the intent that the other person plays or  
66 participates in that gambling game;

67 (11) Uses counterfeit chips or tokens in a gambling game;

68 (12) Knowingly uses, other than chips, tokens, coin, of other methods of  
69 credit approved by the commission, legal tender of the United States of America,  
70 or to use coin not of the denomination as the coin intended to be used in the

71 gambling games;

72 (13) Has in the person's possession any device intended to be used to  
73 violate a provision of sections 313.800 to 313.850;

74 (14) Has in the person's possession, except a gambling licensee or  
75 employee of a gambling licensee acting in furtherance of the employee's  
76 employment, any key or device designed for the purpose of opening, entering, or  
77 affecting the operation of a gambling game, drop box, or an electronic or  
78 mechanical device connected with the gambling game or for removing coins,  
79 tokens, chips or other contents of the gambling game; or

80 (15) Knowingly makes a false statement of any material fact to the  
81 commission, its agents or employees.

82 5. The possession of one or more of the devices described in subdivision  
83 (3), (5), (13) or (14) of subsection 4 of this section permits a rebuttable inference  
84 that the possessor intended to use the devices for cheating.

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

90 7. If the commission determines that reasonable grounds to believe that  
91 a violation of sections 313.800 to 313.850 has occurred or is occurring which is a  
92 criminal offense, the commission shall refer such matter to both the state  
93 attorney general and the prosecuting attorney or circuit attorney having  
94 jurisdiction. The state attorney general and the prosecuting attorney or circuit  
95 attorney with such jurisdiction shall have concurrent jurisdiction to commence  
96 actions for violations of sections 313.800 to 313.850 where such violations have  
97 occurred.

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

✓