

HOUSE BILL 1310

C7

71r1713

By: **Delegate Conway**

Introduced and read first time: February 26, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Slot Machines – Eligible Organizations**

3 FOR the purpose of altering the definition of “eligible organization” to make it
4 applicable to certain organizations with a certain affiliation and located in
5 certain counties for a certain number of years before the organization applies for
6 a license to own or operate slot machines; and generally relating to slot machine
7 ownership and operation by eligible organizations.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 12–304
11 Annotated Code of Maryland
12 (2002 Volume and 2006 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Criminal Law**

16 12–304.

17 (a) In this section, “eligible organization” means:

18 (1) a nonprofit organization that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(1)] (I) has been located in a county listed in subsection (b) of this
 2 section for at least 5 years before the organization applies for a license under
 3 subsection (e) of this section; and

4 [(2)] (II) is a bona fide:

5 [(i)] 1. fraternal organization;

6 [(ii)] 2. religious organization; or

7 [(iii)] 3. war veterans' organization; OR

8 **(2) AN ORGANIZATION THAT HAS BEEN AFFILIATED WITH A**
 9 **NATIONAL FRATERNAL ORGANIZATION FOR LESS THAN 5 YEARS AND HAS BEEN**
 10 **LOCATED IN A COUNTY LISTED IN SUBSECTION (B) OF THIS SECTION FOR AT**
 11 **LEAST 50 YEARS BEFORE THE ORGANIZATION APPLIES FOR A LICENSE UNDER**
 12 **SUBSECTION (E) OF THIS SECTION.**

13 (b) This section applies in:

14 (1) Caroline County;

15 (2) Cecil County;

16 (3) Dorchester County;

17 (4) Kent County;

18 (5) Queen Anne's County;

19 (6) Somerset County;

20 (7) Talbot County; and

21 (8) Wicomico County.

22 (c) (1) In this subsection, a console or set of affixed slot machines is not
 23 an individual slot machine.

24 (2) Notwithstanding any other provision of this subtitle, an eligible
 25 organization may own and operate a slot machine if the eligible organization:

1 (i) obtains a license under subsection (e) of this section for each
2 slot machine;

3 (ii) owns each slot machine that the eligible organization
4 operates;

5 (iii) owns not more than five slot machines;

6 (iv) locates and operates its slot machines at its principal
7 meeting hall in the county in which the eligible organization is located;

8 (v) does not locate or operate its slot machines in a private
9 commercial facility;

10 (vi) uses:

11 1. at least one-half of the proceeds from its slot
12 machines for the benefit of a charity; and

13 2. the remainder of the proceeds from its slot machines
14 to further the purposes of the eligible organization;

15 (vii) does not use any of the proceeds of the slot machine for the
16 financial benefit of an individual; and

17 (viii) reports annually under affidavit to the State Comptroller:

18 1. the income of each slot machine; and

19 2. the disposition of the income from each slot machine.

20 (d) An eligible organization may not use or operate a slot machine unless:

21 (1) the slot machine is equipped with a tamperproof meter or counter
22 that accurately records gross receipts; and

23 (2) the eligible organization keeps an accurate record of the gross
24 receipts and payoffs of the slot machine.

25 (e) (1) Before an eligible organization may operate a slot machine under
26 this section, the eligible organization shall obtain a license for the slot machine from
27 the sheriff of the county in which the eligible organization plans to locate the slot
28 machine.

- 1 (2) (i) The county shall:
- 2 1. charge an annual fee of \$50 for each license for a
3 machine; and
- 4 2. issue a license sticker to the applicant.
- 5 (ii) The applicant shall place the sticker on the slot machine.
- 6 (iii) The proceeds of the annual fee shall be transferred to the
7 general fund of the county.
- 8 (3) In the application to the sheriff for a license, one of the principal
9 officers of the eligible organization shall certify under affidavit that the organization:
- 10 (i) is an eligible organization; and
- 11 (ii) will comply with this section.
- 12 (f) (1) A principal officer of the eligible organization may not intentionally
13 misrepresent a statement of fact on the application.
- 14 (2) A person who violates this subsection is guilty of perjury and on
15 conviction is subject to the penalty provided under Title 9, Subtitle 1 of this article.
- 16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2007.