

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 905 (Senator Klausmeier)  
Budget and Taxation

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**Criminal Law - Video Lottery Terminals - Playing by Individual Under 21 Years of Age**

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This bill prohibits an individual under the age of 21 from playing a video lottery terminal (VLT). A violation is a code violation and a civil offense, which would subject an adult violator to the issuance of a citation and a maximum fine of \$500 for a first violation and \$1,000 for a second or subsequent violation. A minor who violates the prohibition on underage playing of VLTs is subject to juvenile court procedures and dispositions.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues from fines imposed in the District Court. Potential minimal increase in special fund revenues due to additional revenues generated from court costs and distributed to the Criminal Injuries Compensation Fund, the State Victims of Crime Fund, and the Victim and Witness Protection and Relocation Fund. The bill is not expected to materially affect District Court caseloads.

**Local Effect:** Enforcement of the bill's prohibition can be handled with existing budgeted local resources.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Pursuant to Chapter 4 of the 2007 special session, a video lottery operation licensee must ensure that individuals under the age of 21 and intoxicated individuals are not allowed to play VLTs and are not allowed in the area of the video lottery facility where VLTs are located.

**Background:** VLT facility operation licenses are awarded by the Video Lottery Facility Location Commission. The State Lottery Commission oversees VLT operations and owns/leases VLTs and a central monitor and control system. Chapter 4 of the 2007 special session allows for a maximum of 15,000 VLTs, distributed as follows: 4,750 VLTs in Anne Arundel County; 3,750 VLTs in Baltimore City; 2,500 VLTs in Worcester County; 2,500 VLTs in Cecil County; and 1,500 VLTs in Allegany County (Rocky Gap State Park). Chapter 240 of 2011 reduced the maximum number of VLTs that may be awarded to Allegany County to 1,000, while changing other provisions of law regarding a VLT site in Allegany County.

**State Revenues:** Though the bill specifies that adjudication of a code violation is not considered a criminal conviction, the bill states that a defendant “is liable for the costs of the proceedings in the District Court and for payment to the Criminal Injuries Compensation Fund.” The bill also establishes that court costs in a code violation case for underage playing of a VLT are \$5. Thus, it is assumed that a defendant subject to a citation under the bill will have to pay the current \$35 Criminal Injuries Compensation costs imposed on defendants convicted of a crime in the District Court and the \$5 court cost authorized under the bill. As a result, special fund revenues may increase minimally due to additional revenues generated from court costs and distributed to the Criminal Injuries Compensation Fund, the State Victims of Crime Fund, and the Victim and Witness Protection and Relocation Fund. The distribution of applicable court costs and Criminal Injuries Compensation costs to these special funds is described below.

Court costs are imposed on a defendant convicted of a crime in the amount of \$35 for the District Court. These costs are sometimes referred to as Criminal Injuries Compensation costs. The Comptroller deposits each \$35 fee collected in the District Court into various special funds as follows: (1) \$12.50 into the State Victims of Crime Fund (administered by the Governor’s Office of Crime Control and Prevention); (2) \$2.50 into the Victim and Witness Protection and Relocation Fund (administered by the States’ Attorneys’ coordinator); and (3) the remainder (\$20) into the Criminal Injuries Compensation Fund (administered by the Criminal Injuries Compensation Board in the Department of Public Safety and Correctional Services).

A court may also impose separate court costs on a defendant in a criminal or traffic case. In addition to the monies transferred as described above, the Comptroller is required to distribute funds from court costs imposed in District Court criminal and traffic cases as follows: (1) \$500,000 to the Criminal Injuries Compensation Fund; and (2) \$125,000 to the Victim and Witness Protection and Relocation Fund.

## Additional Information

**Prior Introductions:** None.

**Cross File:** HB 1274 (Delegate Reznik) - Ways and Means.

**Information Source(s):** Baltimore City; Anne Arundel, Cecil, and Worcester counties; Commission on Criminal Sentencing Policy; Department of Natural Resources; Judiciary (Administrative Office of the Courts); Maryland State Lottery Agency; Department of State Police; Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - March 11, 2012  
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Analysis by: Amy A. Devadas

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510