SENATE BILL 195

C7 4lr0826
SB 130/13 – B&T

By: **Senators Glassman, Jacobs, and Jennings**
Introduced and read first time: January 15, 2014
Assigned to: Budget and Taxation

Committee Report: Favorable
Senate action: Adopted
Read second time: January 31, 2014

CHAPTER _____

AN ACT concerning

Harford County – Charitable Gaming

FOR the purpose of creating in Harford County a permit to be issued by the Sheriff of Harford County that authorizes certain nonprofit organizations to conduct a gaming contest in Harford County; specifying certain requirements that organizations must meet to be issued a permit; specifying a certain maximum number of gaming contests an organization may hold in a year and the location and hours for conducting a gaming contest; authorizing certain games to be conducted at a gaming contest under certain circumstances; specifying the maximum bet a single individual may place on a game; specifying that alcoholic beverages may be served or sold under certain conditions; prohibiting profits or proceeds from being paid to certain persons under certain circumstances; authorizing certain organizations to use certain proceeds for certain purposes after certain costs are deducted; requiring the holder of a permit to meet certain financial reporting requirements; authorizing the sheriff to refuse to issue a permit under certain conditions; requiring the sheriff to adopt certain regulations; providing a certain penalty; defining a certain term; and generally relating to gaming contests in Harford County.

BY renumbering
Article – Criminal Law
Section 13–1512
to be Section 13–1513
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

BY adding to
Article – Criminal Law
Section 13–1512
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 13–1512 of Article – Criminal Law of the Annotated Code of Maryland be renumbered to be Section(s) 13–1513.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Criminal Law

13–1512.

(A) IN THIS SECTION, "GAMING CONTEST" MEANS AN EVENT THAT INVOLVES A CARD GAME, A DICE GAME, OR ROULETTE.

(B) AN ORGANIZATION SHALL BE ISSUED A PERMIT FROM THE SHERIFF OF HARFORD COUNTY BEFORE THE ORGANIZATION MAY CONDUCT A GAMING CONTEST IN HARFORD COUNTY.

(C) AN ORGANIZATION IS ELIGIBLE TO BE ISSUED A PERMIT IF THE ORGANIZATION QUALIFIES AS A NONPROFIT ORGANIZATION UNDER § 501(C)(3) OR (19) OF THE INTERNAL REVENUE CODE AND HAS BEEN LOCATED IN THE COUNTY FOR AT LEAST 3 YEARS BEFORE APPLYING FOR THE PERMIT.

(D) TO BE ISSUED A PERMIT, AN ORGANIZATION SHALL:

(1) SUBMIT AN APPLICATION TO THE SHERIFF ON A FORM THAT THE SHERIFF REQUIRES;

(2) STATE ON THE APPLICATION FORM THE PURPOSE FOR WHICH THE PROCEEDS OF THE GAMING CONTEST WILL BE USED; AND

(3) PAY THE PERMIT FEE THAT THE SHERIFF DETERMINES.

(E) (1) (I) A HOLDER OF A PERMIT MAY NOT CONDUCT MORE THAN FOUR GAMING CONTESTS IN A CALENDAR YEAR.

(II) A PERMIT IS NOT TRANSFERABLE.

(2) A GAMING CONTEST MAY BE HELD ONLY:

(I) BETWEEN 4 P.M. AND 1 A.M. THE FOLLOWING DAY; AND

(II) IN A STRUCTURE OR AT A LOCATION THAT IS OWNED OR LEASED BY THE HOLDER OF THE PERMIT.

(3) A SEPARATE PERMIT IS REQUIRED FOR EACH GAMING CONTEST.

(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, BINGO, INSTANT BINGO, A RAFFLE, A PADDLE WHEEL, OR A 50/50 RAFFLE MAY BE INCLUDED IN THE GAMES CONDUCTED AT A GAMING CONTEST.

(II) A GAMING CONTEST MAY NOT CONSIST EXCLUSIVELY OF A GAME SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(F) (1) THE MAXIMUM BET A SINGLE INDIVIDUAL MAY PLACE ON ANY GAME CONDUCTED DURING A GAMING CONTEST IS $10.

(2) A HOLDER OF A PERMIT MAY SERVE OR SELL ALCOHOLIC BEVERAGES AT A GAMING CONTEST ONLY IF THE HOLDER IS ISSUED THE PROPER LICENSE BY THE HARFORD COUNTY LIQUOR CONTROL BOARD.

(3) THE HOLDER OF A PERMIT MAY AWARD PRIZES OF MONEY OR MERCHANDISE.

(G) AN ORGANIZATION MAY RENT OR PURCHASE NECESSARY EQUIPMENT AND SUPPLIES TO CONDUCT A GAMING CONTEST BUT MAY NOT ENTER INTO A LEASE OR OTHER AGREEMENT TO SHARE PROFITS FROM THE GAMING CONTEST.

(H) (1) A GAMING CONTEST SHALL BE MANAGED AND OPERATED PERSONALLY BY MEMBERS OF THE ORGANIZATION CONDUCTING THE GAMING CONTEST WITHOUT THE ASSISTANCE OF ANY OUTSIDE WORKER, INCLUDING A PAID OR PROFESSIONAL CASINO OPERATOR, MANAGER, OR SUPPLIER OF EQUIPMENT.

(2) A MEMBER OF THE ORGANIZATION MAY NOT RECEIVE OR BE PAID ANY OF THE PROCEEDS FROM THE GAMING CONTEST FOR PERSONAL USE OR BENEFIT.

(3) A PERSON MAY NOT RECEIVE A SALARY, A COMMISSION, OR COMPENSATION OF ANY KIND FOR MANAGING THE GAMING CONTEST OR OPERATING A GAME PLAYED IN THE GAMING CONTEST.

(4) A PERSON OTHER THAN THE HOLDER OF THE PERMIT MAY NOT RECEIVE OR BE PAID ANY PROCEEDS.

(I) AFTER COSTS INCURRED IN CONDUCTING A GAMING CONTEST ARE DEDUCTED, PROCEEDS FROM A GAMING CONTEST MAY BE USED ONLY FOR THE PURPOSES OF THE ORGANIZATION.

(J) (1) WITHIN 30 DAYS AFTER A GAMING CONTEST, THE HOLDER OF THE PERMIT SHALL SUBMIT TO THE SHERIFF A FINANCIAL REPORT THAT LISTS ALL OF THE RECEIPTS AND EXPENDITURES FOR THE GAMING CONTEST.

(2) THE REPORT SHALL CONTAIN A FULL ACCOUNTING OF THE PROCEEDS AND EXPENSES OF THE GAMING CONTEST.

(3) THE SHERIFF OR THE OFFICE OF THE HARFORD COUNTY STATE'S ATTORNEY MAY REQUIRE THE HOLDER OF THE PERMIT TO PRODUCE ALL FINANCIAL RECORDS OF THE GAMING CONTEST.

(4) THE HOLDER OF THE PERMIT SHALL KEEP ALL FINANCIAL RECORDS OF THE GAMING CONTEST FOR AT LEAST 2 YEARS AFTER THE GAMING CONTEST.

(5) THE SHERIFF MAY REFUSE TO ISSUE A PERMIT TO AN APPLICANT WHO HAS FAILED TO FILE A REQUIRED REPORT FROM A PREVIOUS GAMING CONTEST OR IS LATE IN FILING FEDERAL OR STATE TAX RETURNS.

(6) IF REQUESTED BY THE SHERIFF, THE HOLDER OF THE PERMIT SHALL PAY ALL FINANCIAL AUDIT COSTS.

(K) THE SHERIFF SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(L) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING $1,000 OR BOTH.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.