

HOUSE BILL 1113

C7

51r0042

By: **Chair, Ways and Means Committee (By Request – Departmental – Lottery and Gaming Control Agency)**

Introduced and read first time: February 18, 2015

Assigned to: Rules and Executive Nominations

Re-referred to: Ways and Means, February 23, 2015

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2015

CHAPTER _____

1 AN ACT concerning

2 **Video Lottery Facilities – Operation and Employee Licenses – Crimes or Acts of**
3 **Moral Turpitude or Gambling**

4 FOR the purpose of altering the circumstances under which the State Lottery and Gaming
5 Control Commission must disqualify an applicant for certain licenses due to the
6 commission of a crime involving moral turpitude or a gambling offense; expanding
7 the requirement to disqualify ~~an applicant~~ certain applicants due to certain crimes
8 or offenses to include crimes or offenses occurring in certain jurisdictions; limiting,
9 to a certain period, the requirement that ~~an applicant~~ certain applicants be
10 disqualified for the commission of certain acts that are not prosecuted; altering the
11 requirement that an applicant be disqualified for the commission of a certain act that
12 is not prosecuted; and generally relating to applicants for video lottery operation
13 licenses and video lottery employee licenses.

14 BY repealing and reenacting, with amendments,
15 Article – State Government
16 Section 9–1A–08(d) and 9–1A–14(c)
17 Annotated Code of Maryland
18 (2014 Replacement Volume)

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

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.



1 **Article – State Government**

2 9–1A–08.

3 (d) The Commission shall disqualify an applicant for a video lottery operation
4 license on the basis of any of the following criteria:

5 (1) failure of the applicant to prove by clear and convincing evidence that
6 the applicant and each person who owns or controls the application are qualified under the
7 provisions of this subtitle;

8 (2) failure of the applicant or any person required to be qualified under this
9 subtitle as a condition of a license to provide information, documentation, and assurances
10 required by this subtitle or requested by the Commission;

11 (3) failure of the applicant or any person required to be qualified under this
12 subtitle as a condition of a license to reveal any fact material to qualification;

13 (4) supplying, by the applicant or any person required to be qualified under
14 this subtitle as a condition of a license, information that is untrue or misleading as to a
15 material fact concerning the qualification criteria;

16 (5) conviction of the applicant or of any person required to be qualified
17 under this subtitle as a condition of a license of an offense under the laws of [the United
18 States or] any jurisdiction [within the United States] that is a criminal offense involving
19 moral turpitude or a gambling offense;

20 (6) current prosecution of the applicant or a person who is required to be
21 qualified under this subtitle as a condition of a license for an offense described under item
22 (5) of this subsection, provided that, at the request of the applicant, the Commission may
23 defer its decision on the application during the pendency of the charge;

24 (7) pursuit by the applicant or a person who is required to be qualified
25 under this subtitle as a condition of a license of economic gain in an occupational manner
26 or context that is in violation of the laws of the State, if the pursuit creates a reasonable
27 belief that participation of the applicant in video lottery operations would be inimical to the
28 policies of this subtitle;

29 (8) identification of the applicant or a person who is required to be qualified
30 under this subtitle as a condition of a license as a career offender or a member of a career
31 offender cartel or an associate of a career offender or career offender cartel in a manner
32 that creates a reasonable belief that the association is of a nature as to be inimical to the
33 policies of this subtitle;

34 (9) [the committing] **COMMISSION** of an act **WITHIN THE PRIOR 7 YEARS**
35 by the applicant or a person who is required to be qualified under this subtitle as a condition
36 of a license that would constitute an offense described under item (5) of this subsection,

1 even if the act [has not been] **WAS NOT PROSECUTED** or may not be prosecuted under the
2 criminal laws of [the State] **ANY JURISDICTION**; and

3 (10) willful defiance by the applicant or a person who is required to be
4 qualified under this subtitle as a condition of a license of a legislative investigatory body or
5 other official investigatory body of the United States or a jurisdiction within the United
6 States when the body is engaged in the investigation of crimes relating to gambling, official
7 corruption, or organized crime activity.

8 9-1A-14.

9 (c) The Commission shall deny a video lottery employee license to an applicant
10 who is disqualified due to:

11 (1) the applicant's failure to prove the applicant's good character, honesty,
12 and integrity;

13 (2) the applicant's lack of expertise or training to be a video lottery
14 employee;

15 (3) the applicant's conviction, active parole, or probation for any crime
16 involving moral turpitude or gambling under the laws of ~~the United States or any state~~
17 ~~ANY JURISDICTION~~ within the prior 7 years;

18 (4) the applicant's current prosecution for any crime involving moral
19 turpitude or gambling under the laws of ~~the United States or any state~~ ~~ANY~~
20 ~~JURISDICTION~~, but, at the request of the applicant, the Commission may defer a decision
21 on the application during the pendency of the charge;

22 (5) pursuit by the applicant of economic gain in an occupational manner or
23 context that is in violation of the laws of the State, if the pursuit creates a reasonable belief
24 that participation of the applicant in video lottery operations would be inimical to the
25 policies of this subtitle;

26 (6) identification of the applicant as a career offender or a member of a
27 career offender cartel or an associate of a career offender or career offender cartel in a
28 manner that creates a reasonable belief that the association is of a nature as to be inimical
29 to the policies of this subtitle;

30 (7) commission of an act **WITHIN THE PRIOR 7 YEARS** by the applicant
31 that would constitute an offense described under item (3) of this subsection, ~~even if the act~~
32 ~~[has not been] WAS NOT PROSECUTED or may not be prosecuted under the criminal laws~~
33 ~~of [the State] ANY JURISDICTION~~ **FOR WHICH THE APPLICANT RECEIVED PROBATION**
34 **BEFORE JUDGMENT**;

1 (8) willful defiance by the applicant or a person that is required to be
 2 qualified under this subtitle as a condition of a license of a legislative investigatory body or
 3 other official investigatory body of the United States or a jurisdiction within the United
 4 States when the body is engaged in the investigation of crimes relating to gambling, official
 5 corruption, or organized crime activity; and

6 (9) any other reason established in the regulations of the Commission as a
 7 reason for denying a license.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 9 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.