

Chapter 299

(House Bill 1113)

AN ACT concerning

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

FOR the purpose of altering the circumstances under which the State Lottery and Gaming Control Commission must disqualify an applicant for ~~certain licenses~~ a certain license due to the commission of a crime involving moral turpitude or a gambling offense; expanding the requirement to disqualify ~~an applicant~~ certain applicants due to certain crimes or offenses to include crimes or offenses occurring in certain jurisdictions; limiting, to a certain period, the requirement that ~~an applicant~~ certain applicants be disqualified for the commission of certain acts that are not prosecuted; ~~altering~~ repealing the requirement that the Commission deny a certain license to an applicant be who is disqualified for due to the commission of a certain act that is not prosecuted has not been or may not be prosecuted under certain laws; and generally relating to applicants for video lottery operation licenses and video lottery employee licenses.

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

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

Article – State Government

9–1A–08.

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

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

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

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

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

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

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

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

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

(9) [the committing] **COMMISSION** of an act **WITHIN THE PRIOR 7 YEARS** by the applicant or a person who is required to be qualified under this subtitle as a condition of a license that would constitute an offense described under item (5) of this subsection, even if the act [has not been] **WAS NOT PROSECUTED** or may not be prosecuted under the criminal laws of [the State] **ANY JURISDICTION**; and

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

9-1A-14.

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

- (1) the applicant's failure to prove the applicant's good character, honesty, and integrity;
- (2) the applicant's lack of expertise or training to be a video lottery employee;
- (3) the applicant's conviction, active parole, or probation for any crime involving moral turpitude or gambling under the laws of ~~the United States or any state~~ **ANY JURISDICTION** within the prior 7 years;
- (4) the applicant's current prosecution for any crime involving moral turpitude or gambling under the laws of ~~the United States or any state~~ **ANY JURISDICTION**, but, at the request of the applicant, the Commission may defer a decision on the application during the pendency of the charge;
- (5) pursuit by the applicant of economic gain in an occupational manner or context that is in violation of the laws of the State, if the pursuit creates a reasonable belief that participation of the applicant in video lottery operations would be inimical to the policies of this subtitle;
- (6) identification of the applicant as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in a manner that creates a reasonable belief that the association is of a nature as to be inimical to the policies of this subtitle;
- ~~(7) commission of an act **WITHIN THE PRIOR 7 YEARS** by the applicant that would constitute an offense described under item (3) of this subsection, even if the act ~~[has not been]~~ **WAS NOT PROSECUTED** or may not be prosecuted under the criminal laws of ~~[the State]~~ **ANY JURISDICTION FOR WHICH THE APPLICANT RECEIVED PROBATION BEFORE JUDGMENT**;~~
- ~~(8)~~ **(7)** willful defiance by the applicant or a person that is required to be qualified under this subtitle as a condition of a license of a legislative investigatory body or other official investigatory body of the United States or a jurisdiction within the United States when the body is engaged in the investigation of crimes relating to gambling, official corruption, or organized crime activity; and
- ~~(9)~~ **(8)** any other reason established in the regulations of the Commission as a reason for denying a license.

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

Approved by the Governor, May 12, 2015.