

HOUSE BILL 242

C7, E1

6lr0546

By: **Delegates Moon, Anderson, Atterbeary, Barron, Carter, Glass, Gutierrez,
Luedtke, Morales, Sanchez, Smith, and Sydnor**

Introduced and read first time: January 25, 2016

Assigned to: Ways and Means and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Betting, Wagering, and Gambling – Civil Offense**

3 FOR the purpose of altering the penalty for certain conduct relating to betting, wagering,
4 or gambling; making certain conduct relating to betting, wagering, or gambling a
5 civil offense; establishing that adjudication of a violation under this Act is not a
6 criminal conviction for any purpose and does not impose any of the civil disabilities
7 that may result from a criminal conviction; authorizing a certain police officer to
8 issue a certain citation under certain circumstances; establishing certain
9 requirements for a citation issued under this Act; requiring the form of a certain
10 citation to be uniform throughout the State and to be prescribed by the District
11 Court; requiring the Chief Judge of the District Court to establish a schedule for the
12 prepayment of a certain fine; requiring a certain police officer to forward a copy of a
13 certain citation to a certain court; requiring the court to promptly schedule a certain
14 case for trial and summon the defendant to appear; and generally relating to betting,
15 wagering, and gambling.

16 BY repealing and reenacting, with amendments,
17 Article – Criminal Law
18 Section 12–102 and 12–103
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2015 Supplement)

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

23 **Article – Criminal Law**

24 12–102.

25 (a) A person may not:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) bet, wager, or gamble;

2 (2) make or sell a book or pool on the result of a race, contest, or
3 contingency;

4 (3) establish, keep, rent, use, or occupy, or knowingly allow to be
5 established, kept, rented, used, or occupied, all or a part of a building, vessel, or place, on
6 land or water, within the State, for the purpose of:

7 (i) betting, wagering, or gambling; or

8 (ii) making, selling, or buying books or pools on the result of a race,
9 contest, or contingency; or

10 (4) receive, become the depository of, record, register, or forward, or
11 propose, agree, or pretend to forward, money or any other thing or consideration of value,
12 to be bet, wagered, or gambled on the result of a race, contest, or contingency.

13 (b) **(1)** [A person who violates this section is guilty of a misdemeanor and on
14 conviction is subject to imprisonment for not less than 6 months and not exceeding 1 year
15 or a fine of not less than \$200 and not exceeding \$1,000 or both.] **A VIOLATION OF THIS**
16 **SECTION IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$1,000.**

17 **(2) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:**

18 **(I) IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE; AND**

19 **(II) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT**
20 **MAY RESULT FROM A CRIMINAL CONVICTION.**

21 (c) (1) [The provisions of this subsection apply only in Baltimore City.

22 (2) A person who violates this section may be charged by a citation.

23 (3) A citation for a violation of this section may be issued to a person by a
24 police officer authorized to make arrests [in Baltimore City] if there is probable cause to
25 believe that the person is committing or has committed a violation of this section.

26 **[(4)] (2)** A citation issued under this subsection shall contain:

27 (i) the name and address of the person charged;

28 (ii) the statute allegedly violated;

29 (iii) the location, date, and time that the violation occurred;

- 1 (iv) the fine [or term of imprisonment] that may be imposed;
- 2 (v) a notice stating that prepayment of a fine is [not] allowed;
- 3 (vi) a notice that the court shall promptly send the person charged a
4 summons to appear for trial; and
- 5 (vii) the signature of the police officer issuing the citation.

6 **(3) THE FORM OF THE CITATION SHALL BE UNIFORM THROUGHOUT**
7 **THE STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.**

8 **(4) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A**
9 **SCHEDULE FOR THE PREPAYMENT OF A FINE.**

10 (5) (i) The police officer who issued the citation shall forward to the
11 appropriate court a copy of the citation.

12 (ii) The court shall promptly schedule the case for trial and summon
13 the defendant to appear.

14 [(iii) Willful failure of the defendant to respond to the summons is
15 contempt of court.]

16 12-103.

17 (a) For money or any other thing or consideration of value, a person may not play:

- 18 (1) the game called “thimbles”;
- 19 (2) the game called “little joker”;
- 20 (3) dice or the game commonly called “craps”; or
- 21 (4) any other gaming device or fraudulent trick.

22 (b) **(1) [A person who violates this section is guilty of a misdemeanor and on**
23 **conviction is subject to imprisonment for not less than 6 months and not exceeding 2 years**
24 **or a fine not exceeding \$100 or both.] A VIOLATION OF THIS SECTION IS A CIVIL**
25 **OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING \$100.**

26 **(2) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:**

27 **(I) IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE; AND**

1 **(II) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT**
2 **MAY RESULT FROM A CRIMINAL CONVICTION.**

3 **(C) (1) A CITATION FOR A VIOLATION OF THIS SECTION MAY BE ISSUED**
4 **TO A PERSON BY A POLICE OFFICER AUTHORIZED TO MAKE ARRESTS IF THERE IS**
5 **PROBABLE CAUSE TO BELIEVE THAT THE PERSON IS COMMITTING OR HAS**
6 **COMMITTED A VIOLATION OF THIS SECTION.**

7 **(2) A CITATION ISSUED UNDER THIS SUBSECTION SHALL CONTAIN:**

8 **(I) THE NAME AND ADDRESS OF THE PERSON CHARGED;**

9 **(II) THE STATUTE ALLEGEDLY VIOLATED;**

10 **(III) THE LOCATION, DATE, AND TIME THAT THE VIOLATION**
11 **OCCURRED;**

12 **(IV) THE FINE THAT MAY BE IMPOSED;**

13 **(V) A NOTICE STATING THAT PREPAYMENT OF A FINE IS**
14 **ALLOWED;**

15 **(VI) A NOTICE THAT THE COURT SHALL PROMPTLY SEND THE**
16 **PERSON CHARGED A SUMMONS TO APPEAR FOR TRIAL; AND**

17 **(VII) THE SIGNATURE OF THE POLICE OFFICER ISSUING THE**
18 **CITATION.**

19 **(3) THE FORM OF THE CITATION SHALL BE UNIFORM THROUGHOUT**
20 **THE STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.**

21 **(4) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A**
22 **SCHEDULE FOR THE PREPAYMENT OF A FINE.**

23 **(5) (I) THE POLICE OFFICER WHO ISSUED THE CITATION SHALL**
24 **FORWARD TO THE APPROPRIATE COURT A COPY OF THE CITATION.**

25 **(II) THE COURT SHALL PROMPTLY SCHEDULE THE CASE FOR**
26 **TRIAL AND SUMMON THE DEFENDANT TO APPEAR.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2016.