

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1025 (Delegates Sanchez and Walker)
Ways and Means

State Lottery and Gaming Control Commission - Video Lottery Facilities -
Regulations Relating to Cheating

This bill requires the State Lottery and Gaming Control Commission (SLGCC) to adopt regulations that establish procedures to address cheating and the use of cheating or thieving devices in a video lottery facility, including its parking areas and adjacent facilities, by specified individuals. SLGCC must also adopt regulations to ensure that individuals on the mandatory exclusion or ejected list who knowingly enter a video lottery facility are charged with criminal trespass.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures if the bill results in more fines imposed in District Court cases and incarcerations. The State Lottery and Gaming Control Agency (SLGCA) can implement the bill with existing resources.

Local Effect: Potential minimal increase in local revenues and expenditures if the bill results in more fines imposed in circuit court cases and incarcerations.

Small Business Effect: None.

Analysis

Current Law: By regulation, SLGCC must provide a list of individuals who are to be mandatorily excluded or ejected by a video lottery operation licensee from any video lottery operation licensed by the State. Regulations must define the standards for excluding or ejecting specified individuals. SLGCC may impose sanctions on a licensee if the

licensee knowingly fails to exclude or eject an individual on the list from the premises of the licensee.

Regulations authorize the Director of SLGCA to place on the mandatory exclusion list an individual who:

- is a career offender;
- has been convicted of a criminal offense involving moral turpitude or a gambling offense;
- would adversely affect the interests of the State, the licensee, or the individual if the individual is at a facility;
- is the subject of any administrative or judicial order directing the individual to stay away from a video lottery or other gaming facility;
- presents a threat to the safety of others on the premises of a video lottery facility;
- the director or a facility operator reasonably believes has cheated or attempted to cheat by engaging in specified conduct; or
- engages in any conduct that may adversely affect public confidence in, or perception of, video lottery or table game operations in the State.

Wanton Trespass

A person may not enter or cross over private property or board the boat or other marine vessel of another, after having been notified by the owner or the owner's agent not to do so, unless entering or crossing under a good faith claim of right or ownership. A person is also prohibited from remaining on private property, including the boat or other marine vessel of another, after having been notified by the owner or the owner's agent not to do so. Violators are guilty of a misdemeanor, punishable by (1) imprisonment for up to 90 days and/or a \$500 maximum fine for a first violation; (2) imprisonment for up to six months and/or a maximum fine of \$1,000 for a second violation occurring within two years after the first violation; and (3) imprisonment for up to one year and/or a \$2,500 maximum fine for each subsequent violation occurring within two years after the preceding violation.

Background: There are currently 55 individuals on the mandatory exclusion list. To date, 29 individuals on the mandatory exclusion list have been discovered on the premises of a video lottery facility. If an individual on the mandatory exclusion list tries to enter a facility, the facility staff usually denies the individual entry at the door. If, however, the individual is discovered on the gaming floor, facility staff detains the individual, positively identifies that the individual is on the list, and notifies SLGCC of the violation. The individual is given a copy of the mandatory exclusion letter that was mailed to him or her

and is escorted out of the facility. Video lottery licensees do not usually call local law enforcement.

SLGCA advises that while local law enforcement is usually not called for individuals on the mandatory exclusion list who are on the video lottery property, local law enforcement is contacted and a trespassing citation is issued to individuals on the voluntary exclusion list who are discovered at video lottery facilities. In 2017, 202 individuals on the voluntary exclusion list were discovered at casinos.

State Fiscal Effect: To the extent that video lottery licensees have not been charging individuals on the mandatory exclusion list with wanton trespass, more individuals will be charged with wanton trespass. Thus, general fund revenues and expenditures increase potentially minimally if the bill results in more fines imposed in District Court cases and incarcerations.

Local Fiscal Effect: To the extent that video lottery licensees have not been charging individuals on the mandatory exclusion list with wanton trespass, more individuals will be charged with wanton trespass. Thus, local revenues and expenditures increase potentially minimally if the bill results in more fines imposed in circuit court cases and incarcerations.

Additional Information

Prior Introductions: None.

Cross File: SB 932 (Senator Ramirez) - Budget and Taxation.

Information Source(s): Maryland State Lottery and Gaming Control Agency;
Department of Legislative Services

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mm/jrb

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