

# HOUSE BILL 563

C7, L2

9lr0556

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By: **Montgomery County Delegation**

Introduced and read first time: February 4, 2019

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Montgomery County – Gaming and Benefit Performances – Repeal**

3 **MC 14-19**

4 FOR the purpose of repealing certain obsolete provisions of law relating to certain gaming  
5 activities in Montgomery County; repealing a certain obsolete ~~provisions~~ provision  
6 of law relating to certain benefit performances in Montgomery County; and generally  
7 relating to gaming and benefit performances in Montgomery County.

8 BY repealing

9 The Public Local Laws of Montgomery County

10 Section 23-1 through 23-10 ~~and 30-4~~

11 Article 16 – Public Local Laws of Maryland

12 (2004 Edition and July – August 2018 Supplement, as amended)

13 BY repealing and reenacting, with amendments,

14 The Public Local Laws of Montgomery County

15 Section 30-4

16 Article 16 – Public Local Laws of Maryland

17 (2004 Edition and July – August 2018 Supplement, as amended)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article 16 – Montgomery County**

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**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 [23–1.

2 It shall be unlawful for any person or persons, or any house, company, or association  
3 or body corporate to play at any game of chance for any sum of money or other property of  
4 any value in the Montgomery County, which said act is hereby defined as gaming within  
5 the meaning of this chapter.]

6 [23–2.

7 It shall be unlawful for any person or any house to set up, keep, maintain or conduct  
8 any gaming table, or any house, vessel or place on land or on water within the limits of the  
9 county for the purpose of gaming as defined by section 23–1, or to operate any kind of device  
10 whatsoever intended for the purpose of gaming as defined in section 23–1. It shall also be  
11 unlawful for any person to deal at any gaming table or other place of gambling in the county  
12 or to manage or be interested financially in any gaming table, house or establishment  
13 maintained for gaming, in the county, or in the profits thereof.]

14 [23–3.

15 “Gambling paraphernalia” within the meaning of this chapter is hereby defined to  
16 include any table, apparatus, device, machine or article of any kind or description intended  
17 to be used for the purpose of gaming as defined by section 23–1. Money which shall be found  
18 on a table on which gaming is at the time being conducted shall be gambling paraphernalia  
19 within the meaning of this chapter. The possession of gambling paraphernalia as herein  
20 defined shall be a violation of this chapter. All gambling paraphernalia within the  
21 territorial limits of the county, as herein defined, and all money, currency or cash, whether  
22 gambling paraphernalia within the definition of this section or not, which is found to be  
23 used in betting or paying off bets or otherwise used in connection with gambling in violation  
24 of this section, or in violation of any other law of Montgomery County or the State of  
25 Maryland pertaining to gaming or gambling, shall be subject to seizure by the law officers  
26 of the county, and, upon conviction of the owner or possessor of such paraphernalia, money,  
27 currency or cash, the paraphernalia, money, currency or cash, shall be forfeited to the  
28 county and disposed of in accordance with the order of the court having jurisdiction to try  
29 violations of this chapter. The court is hereby authorized in its discretion to direct the sale  
30 of such paraphernalia and the payment of the proceeds into the police fund of the county,  
31 or, if such paraphernalia consists of money, the payment of the same directly into such  
32 fund.]

33 [23–4.

34 Every person who shall violate section 23–1, 23–2 or 23–3 is hereby declared to be a  
35 principal and not an accomplice, and conviction of any violator of this chapter may be had  
36 on the uncorroborated testimony of any other person who shall violate this chapter, even  
37 though such other person shall participate in the same act of gaming as the person so  
38 convicted, and every person engaged in gaming as defined in this chapter is hereby required

1 to testify against any person indicted for violation of this chapter in connection with the act  
2 of gaming in question; provided, however, that no person so testifying shall be convicted or  
3 punished for violation of this chapter on his own testimony.]

4 [23–5.

5 Whenever any person shall charge on oath or affirmation before any justice of the  
6 peace within the county, or any grand jury within the county shall present that any person  
7 or house has violated the provisions of this chapter, and shall request such justice of the  
8 peace so to do, or in case of presentment by the grand jury, the grand jury shall request the  
9 court to direct the clerk of the court issuing the warrant, the justice of the peace or clerk of  
10 the court, upon the direction of the court as aforesaid, shall issue his warrant, in which the  
11 house, building or other place in which the violation is alleged to have occurred, shall be  
12 specifically described, directed to the sheriff or any member of the county police,  
13 commanding him thoroughly to search the described house, building or other place and the  
14 appurtenances thereof, and if any such shall there be found, to take into his possession and  
15 safely keep it to be produced as evidence when required and to be disposed of in accordance  
16 with the order of the court, all gambling paraphernalia as defined in section 23–3, and the  
17 sheriff or policeman shall forthwith report in writing all of the facts to the state's attorney  
18 for the county.]

19 [23–6.

20 In any indictment under this chapter for violation of the provisions of this chapter,  
21 it shall not be necessary to specify the particular act which any person or house committed  
22 in violation of this chapter, but it shall be sufficient for the purpose of such indictment to  
23 allege that the person or house engaged in gaming, or engaged in setting up, maintaining,  
24 keeping or conducting a gaming house or possessed gambling paraphernalia, as the case  
25 may be, in violation of this chapter. The circuit court of the county and the trial magistrates  
26 of the county are hereby given concurrent jurisdiction to try violations of this chapter.]

27 [23–7.

28 Any violation of any provisions of sections 23–1 through 23–6 shall be punished as a  
29 class A violation as set forth in section 1–19 of chapter 1 of the County Code. Each day a  
30 violation continues to exist shall constitute a separate offense.]

31 [23–8.

32 Any provisions of sections 237 to 264C of article 27 of the Annotated Code of  
33 Maryland, 1957, subject "crimes and punishments," subtitle "gaming," inconsistent  
34 herewith or contrary hereto, insofar as such sections are applicable to the county, are  
35 hereby repealed to the extent of such inconsistency or conflict.]

36 [23–9.

1        If any person shall within the county keep, set up, promote or be concerned as owner,  
2 agent, clerk or in any other manner, in managing, carrying on, promoting or advertising,  
3 directly or indirectly, any policy lottery, policy shop, or any lottery, or shall sell or transfer  
4 any chance, right or interest, tangible or intangible, in any policy lottery, or any lottery or  
5 shall sell or transfer any ticket, certificate, bill, token or other device, purporting or  
6 intended to guarantee or assure to any person or entitle him to a chance of drawing or  
7 obtaining a prize, to be drawn in any lottery, or in a game or device commonly known as  
8 policy lottery or policy or shall, for himself or another person, sell or transfer, or have in his  
9 possession for the purpose of sale or transfer, a chance or ticket in or share of a ticket in  
10 any lottery or any such bill, certificate, token or other device, he shall be fined upon  
11 conviction of each such offense not more than one thousand dollars (\$1,000.00) or be  
12 imprisoned not more than three (3) years, or both. The possession of any copy or record of  
13 any such chance, right or interest, or of any such ticket, certificate, bill, token or other  
14 device shall be *prima facie* evidence that the possessor of such copy or record did, at the  
15 time and place of such possession keep, set up or promote, or was at such time and place  
16 concerned as owner, agent, clerk or otherwise in managing, carrying on, promoting or  
17 advertising a policy lottery, policy shop or lottery.]

18 [23–10.

19        If any person shall within the county have in his possession, knowingly, any ticket,  
20 certificates, bill, slip, token, paper, writing or other device used or to be used, or adapted,  
21 devised or designed for the purpose of playing, carrying on or conducting any lottery, or the  
22 game or device commonly known as policy lottery or policy, he shall be subject to  
23 punishment for a class A violation as set forth in section 1–19 of chapter 1 of the County  
24 Code. Each day a violation continues to exist shall constitute a separate offense.]

25 ¶30–4.

26        (a) A bona fide non-profit organization may conduct a performance for the  
27 exclusive benefit of a volunteer fire department, or a charitable, benevolent, patriotic,  
28 fraternal, educational, religious or civic object. A benefit performance includes an outdoor  
29 or indoor carnival, fair, picnic, dance, card party, bazaar, concert, contest, horse show,  
30 exhibition, lecture, barbecue, or dinner, to which the public is invited or admitted, with or  
31 without charge for admission. The net proceeds must benefit solely the non-profit  
32 organization.

33        (b) ~~At a benefit performance, the organization or operator may award prizes in  
34 merchandise, conduct games of skill, dispose of merchandise or any other thing of value by  
35 auction or voting or by any mechanical device, such as a paddle wheel, wheel of fortune,  
36 bingo, or similar device. However, the organization or operator must not award prizes in  
37 money or tokens or certificates redeemable in money, in any game, auction, contest, or  
38 method which is prohibited under any State or County gaming law.~~

39        (e) Before conducting any benefit performance, any organization must obtain  
40 from the Director of Permitting Services a written permit under this Chapter. A benefit

1 performance must be managed by the organization that will benefit from it, and may be  
2 operated by or with a contractor of that organization.

3 ~~(D) (C)~~ Any person who conducts a benefit performance in violation of this  
4 Section has committed a class A violation.]

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.