

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 1192
Ways and Means

(Delegate Feldmark, *et al.*)

Budget and Taxation

Video Lottery Facility Operations - Crimes of Moral Turpitude and Value of
Table Game Chips - Alterations

This bill exempts an applicant for a video lottery employee license from disqualification for conviction, active parole, or probation within the prior seven years or current prosecution for any crimes involving moral turpitude under the laws of the United States or of any state, if (1) the conviction, active parole, probation, or prosecution involves a nonviolent misdemeanor offense, other than a crime involving gambling; (2) the applicant will not be employed by the video lottery operation licensee in the operation of gaming or security; and (3) the video lottery operation licensee requests that the State Lottery and Gaming Commission (SLGCC) issue the license. Additionally, the bill alters the definition of “value” as it relates to crimes involving theft to include the face value of a chip designated for use in table games or, if no face value is depicted on the chip, the value designated by SLGCC based on the chip’s color. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: None. Altering the qualifications for video lottery employee licenses is not anticipated to significantly alter the number of license applications and, thus, associated administrative costs and fee revenues are not substantially affected. Altering the definition of “value” as it relates to crimes of theft to include the face value of a table game chip does not materially affect State finances or operations.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: To be employed by a video lottery operation licensee, an individual must hold a valid video lottery employee license or temporary video lottery employee license issued by SLGCC. SLGCC must deny a video lottery employee license to an applicant for several causes, including but not limited to the applicant's (1) conviction, active parole, or probation for any crime involving moral turpitude or gambling under the laws of the United States or any state within the prior seven years or (2) current prosecution for any crime involving moral turpitude or gambling under the laws of the United States or any state, but at the request of the applicant, SLGCC may defer a decision on the application during the pendency of the charge.

However, an applicant for a video lottery employee license is not disqualified from licensure if the conviction, active parole, probation or prosecution mentioned above involves a nonviolent misdemeanor offense, other than a crime involving gambling, for which the applicant participated in and completed a problem-solving court program. Problem-solving courts are those under the Office of Problem-Solving Courts, or a comparable program from another court system.

While there is no specific provision of Maryland law that defines moral turpitude, a 1996 Attorney General's opinion described a crime of moral turpitude as a crime "for which fraudulent intent is a requisite element of proof." Black's Law Dictionary defines "moral turpitude" as "conduct that is contrary to justice, honesty, or morality" and especially "an act that demonstrates depravity."

General Theft Statute

Under the general theft statute, a person may not, under specified circumstances, (1) willfully or knowingly obtain or exert unauthorized control over property; (2) obtain control over property by willfully or knowingly using deception; (3) possess stolen property knowing that it has been stolen or believing that it probably has been stolen; (4) obtain control over property knowing that the property was lost, mislaid, or delivered under a mistake as to the identity of the recipient or nature or amount of the property; or (5) obtain the services of another that are available only by compensation by deception or with knowledge that the services are provided without the provider's consent. A violator is required to restore the owner's property or pay the owner the value of the property or services and is subject to the penalties in **Exhibit 1**.

**Exhibit 1
Penalties for Theft**

<u>Value of Property and/or Services</u>	<u>Maximum Penalty</u>
Less than \$100*	Misdemeanor – 90 days imprisonment and/or \$500 fine
At least \$100 but less than \$1,500*	Misdemeanor – 6 months imprisonment and/or \$500 fine (first conviction) or 1 year imprisonment and/or \$500 fine (second or subsequent conviction)
Less than \$1,500 (four or more prior theft convictions)**	Misdemeanor – 5 years imprisonment and/or \$5,000 fine
At least \$1,500 but less than \$25,000	Felony – 5 years imprisonment and/or \$10,000 fine
At least \$25,000 but less than \$100,000	Felony – 10 years imprisonment and/or \$15,000 fine
\$100,000 or more	Felony – 20 years imprisonment and/or \$25,000 fine

* Subject to two-year statute of limitations.

** Subject to specified notice requirements.

Source: Department of Legislative Services

Section 7-110 of the Criminal Law Article specifies presumptions and permitted and prohibited defenses to the crime of theft. The District Court has concurrent jurisdiction with the circuit courts over felony theft violations.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 22, 2024
km/jrb Third Reader - March 13, 2024
Enrolled - April 22, 2024
Revised - Amendment(s) - April 22, 2024

Analysis by: Heather N. MacDonagh

Direct Inquiries to:
(410) 946-5510
(301) 970-5510