

**By: Prince George's County Delegation**

Introduced and read first time: February 2, 1996

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1996

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Prince George's County - Casino Nights - Permit Exemptions**

3 **PG 321-96**

4 [TAG ftpo]FOR the purpose of exempting from certain casino permit requirements certain persons,  
5 groups, or organizations that have not operated in Prince George's County more  
6 than a certain number of casino nights per year in the current calendaryear or in  
7 any previous calendar year; altering the date on or before which casinonight  
8 permittees must report under affidavit to certain persons on certain matters; and  
9 generally relating to casino nights in Prince George's County.

10 BY repealing and reenacting, with amendments,

11 Article 27 - Crimes and Punishments

12 Section 258B(c) ~~and (d)~~

13 Annotated Code of Maryland

14 (1992 Replacement Volume and 1995 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article 27 - Crimes and Punishments

17 Section 258B(d)

18 Annotated Code of Maryland

19 (1992 Replacement Volume and 1995 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

21 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article 27 - Crimes and Punishments**

2 258B.

3 (c) (1) (i) In this subsection the following words have the meanings  
4 indicated.

5 (ii) 1. "Casino night" means a benefit performance at which card  
6 games, wheels of chance, or roulette are played and money winnings or tokens  
7 redeemable in money are awarded as prizes.

8 2. "Casino night" does not include a benefit performance such  
9 as a carnival, fair, or bazaar at which the only form of gaming is a wheel of fortune, big  
10 wheel, or other wheel of chance.

11 (iii) "County" means the governing body of Prince George's County or  
12 its designee.

13 ~~(2) THIS SUBSECTION APPLIES ONLY TO A PERSON, GROUP, OR~~  
14 ~~ORGANIZATION THAT HAS OPERATED MORE THAN FIVE CASINO NIGHTS PER YEAR~~  
15 ~~IN THE CURRENT CALENDAR YEAR OR ANY PREVIOUS CALENDAR YEAR.~~

16 ~~(2)~~(3) (i) The County may issue written permits for the operation of  
17 casino nights.

18 (ii) ~~The~~ SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH,  
19 THE County shall establish the fees for a permit to operate a casino night.

20 (iii) The fees established under subparagraph (ii) of this paragraph  
21 shall be sufficient to pay for the costs of administering this subsection.

22 (iv) In addition to the fees established under subparagraph (ii) of this  
23 paragraph, the County shall establish a levy of up to 20 percent of the gross receipts  
24 derived from gaming activities conducted at a casino night to be expended for general  
25 purposes.

26 (V) THE FEES ESTABLISHED UNDER SUBPARAGRAPH (II) OF THIS  
27 PARAGRAPH SHALL APPLY ONLY TO THOSE PERSONS, GROUPS, OR ORGANIZATIONS  
28 THAT HAVE OPERATED MORE THAN THREE CASINO NIGHTS PER YEAR IN THE  
29 CURRENT CALENDAR YEAR OR ANY PREVIOUS CALENDAR YEAR.

30 ~~(3)~~(4) A person, group, or organization may not conduct a casino night  
31 without first obtaining a permit under paragraph ~~(2)~~(3) of this subsection.

32 ~~(4)~~(5) The County shall restrict, regulate, or prohibit the issuance of  
33 written permits authorized under this subsection.

34 ~~(5)~~(6) (i) The number of permits issued for the operation of casino  
35 nights may not exceed 21 at any time.

36 (ii) The County in its discretion may issue fewer than 21 permits for  
37 the operation of casino nights.

1                   ~~{(6)}~~~~(7)~~ (i) An application submitted for issuance or renewal of a casino  
2 night permit may not be considered prima facie evidence that the applicant is entitled to  
3 the permit.

4                   (ii) The burden of proof is on the applicant to show that the approval  
5 of the issuance or renewal of a casino night permit is necessary for the accommodation of  
6 the general public.

7                   (iii) An application form for issuance or renewal of a casino night  
8 permit shall be prepared by the County and shall contain any information the County  
9 considers necessary or helpful in making a decision on the issuance or renewal of a casino  
10 night permit.

11                   (iv) The County shall reject an application if a determination is made  
12 that any information in the application is false or misleading or that the operation of a  
13 casino night is not necessary for the accommodation of the general public or would  
14 disturb the peace, create a nuisance, or be detrimental to the morals, health, or welfare of  
15 the community.

16                   (v) The County shall review an application within 30 days after  
17 receiving it. The County shall approve or disapprove, in writing, the application within 10  
18 days after the completion of the review and promptly notify the applicant of the action  
19 taken.

20                   (vi) If an application is rejected, the applicant shall be given the  
21 opportunity for a hearing after reasonable notice is given to the applicant.

22                   ~~{(7)}~~~~(8)~~ The proceeds of a casino night held in Prince George's County may  
23 not be used for any purpose other than the promotion of the purposes of a volunteer fire  
24 department in Prince George's County or for charitable, benevolent, patriotic, fraternal,  
25 educational, religious, or civic purposes in Prince George's County.

26                   ~~{(8)}~~~~(9)~~ On or before ~~July 1~~ OCTOBER 1 of each year, each person, group,  
27 or organization operating as a casino night permittee pursuant to this subsection during  
28 ~~the 12 months preceding that July 1~~ PERIOD BETWEEN JULY 1 OF THE PREVIOUS YEAR  
29 THROUGH JUNE 30 OF THE CURRENT YEAR shall report under affidavit to the  
30 Comptroller of the Treasury, the County Executive and County Council of Prince  
31 George's County, and the Prince George's County House and Senate Delegations on:

32                                   1. The total gross receipts from gaming activities at casino  
33 nights in Prince George's County for the 12-month period BETWEEN JULY 1 OF THE  
34 PREVIOUS YEAR THROUGH JUNE 30 OF THE CURRENT YEAR; and

35                                   2. The total expenses directly relating to gaming activities at  
36 casino nights IN PRINCE GEORGE'S COUNTY for the 12-month period BETWEEN JULY 1  
37 OF THE PREVIOUS YEAR THROUGH JUNE 30 OF THE CURRENT YEAR.

38                   ~~{(9)}~~~~(10)~~ A person may not knowingly make a false, fictitious, or fraudulent  
39 representation in a permit application, levy submission, record, report, or as part of any  
40 other documentation required under this subsection, under subsection (d) of this section,  
41 or under a county ordinance adopted pursuant to this subsection.

4

1                    ~~{(10)}~~~~{(11)}~~ A person that conducts a casino night in violation of the provisions  
2 of this subsection is subject to the following penalties:

3                    (i) For a first violation, a 30-day suspension of the person's permit to  
4 conduct a casino night and a \$500 civil penalty;

5                    (ii) For a second violation, a 6-month suspension of the person's  
6 permit and a \$3,000 civil penalty; and

7                    (iii) For a third violation, revocation of the person's permit and a  
8 \$10,000 civil penalty.

9                    ~~{(11)}~~~~{(12)}~~ A person who violates any provisions of this subsection or a county  
10 ordinance enacted pursuant to the provisions of this subsection is guilty of a misdemeanor  
11 and, on conviction, is subject to a fine not exceeding \$5,000 or imprisonment not  
12 exceeding 3 years or both.

13                    (d) (1) (i) In this subsection the following words have the meanings  
14 indicated.

15                    (ii) "Casino night" has the meaning stated in subsection (c)(1) of this  
16 section.

17                    (iii) "County" has the meaning stated in subsection (c)(1) of this  
18 section.

19                    (iv) "Person" means a group, company, association, or corporate body  
20 referred to in subsection (a) of this section.

21                    ~~{2} THIS SUBSECTION APPLIES ONLY TO A PERSON, GROUP, OR  
22 ORGANIZATION THAT HAS OPERATED MORE THAN FIVE CASINO NIGHTS PER YEAR  
23 IN THE CURRENT CALENDAR YEAR OR ANY PREVIOUS CALENDAR YEAR.~~

24                    ~~{(2)}~~~~{(3)}~~ Notwithstanding § 255(b) of this article, in Prince George's  
25 County, a volunteer who assists a person that conducts a casino night may receive a  
26 gratuity offered by a public invitee who is playing the games of chance offered during the  
27 casino night activities.

28                    ~~{(3)}~~~~{(4)}~~ (i) The person that conducts a casino night shall monitor and  
29 keep daily records of any gratuities received by an individual under paragraph ~~{(2)}~~~~{(3)}~~ of  
30 this subsection for each shift the individual assisted during each casino night conducted  
31 by the person.

32                    (ii) The records required by subparagraph (i) of this paragraph shall  
33 include the name and social security number of each individual who receives gratuities  
34 under paragraph ~~{(2)}~~~~{(3)}~~ of this subsection.

35                    ~~{(4)}~~~~{(5)}~~ On request of the County or its designee, a person that conducts a  
36 casino night shall make the records required to be kept by paragraph ~~{(3)}~~~~{(4)}~~ of this  
37 subsection available for inspection by the County or its designee.

38                    ~~{(5)}~~~~{(6)}~~ Except for a gratuity offered by a public invitee who is playing the  
39 games of chance offered during the casino night activities, a person may not pay an

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1 individual who assists in conducting a casino night a salary or compensation of any kind  
2 for assisting in conducting the casino night.

3 ~~{(6)}~~(7) (i) A person that conducts a casino night in violation of the  
4 provisions of this subsection is guilty of a misdemeanor and, on conviction, is subject to a  
5 fine not exceeding \$5,000 or imprisonment not exceeding 3 years or both.

6 (ii) A person that conducts a casino night in violation of the provisions  
7 of this subsection is subject to the following penalties:

8 1. For a first violation, a 30-day suspension of the person's  
9 permit to conduct a casino night and a \$500 civil penalty;

10 2. For a second violation, a 6-month suspension of the person's  
11 permit and a \$3,000 civil penalty; and

12 3. For a third violation, revocation of the person's permit and a  
13 \$10,000 civil penalty.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 1996.