
By: Senators Lawlah and Madden

Introduced and read first time: January 24, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Casino Nights - Permit Exemptions**
3 **PG 321-96**

4 FOR the purpose of exempting from casino permit requirements certain persons, groups,
5 or organizations that have not operated in Prince George's County more than a
6 certain number of casino nights per year in the current calendar year or in any
7 previous calendar year; and generally relating to casino nights in Prince George's
8 County.

9 BY repealing and reenacting, with amendments,
10 Article 27 - Crimes and Punishments
11 Section 258B(c) and (d)
12 Annotated Code of Maryland
13 (1992 Replacement Volume and 1995 Supplement)

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

16 **Article 27 - Crimes and Punishments**

17 258B.

18 (c) (1) (i) In this subsection the following words have the meanings
19 indicated.

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

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

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

2

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

4 [(2)] (3) (i) The County may issue written permits for the operation of
5 casino nights.

6 (ii) The County shall establish the fees for a permit to operate a casino
7 night.

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

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

14 [(3)] (4) A person, group, or organization may not conduct a casino night
15 without first obtaining a permit under paragraph [(2)] (3) of this subsection.

16 [(4)] (5) The County shall restrict, regulate, or prohibit the issuance of
17 written permits authorized under this subsection.

18 [(5)] (6) (i) The number of permits issued for the operation of casino
19 nights may not exceed 21 at any time.

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

22 [(6)] (7) (i) An application submitted for issuance or renewal of a casino
23 night permit may not be considered prima facie evidence that the applicant is entitled to
24 the permit.

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

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

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

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

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

3 [(7)] (8) The proceeds of a casino night held in Prince George's County may
4 not be used for any purpose other than the promotion of the purposes of a volunteer fire
5 department in Prince George's County or for charitable, benevolent, patriotic, fraternal,
6 educational, religious, or civic purposes in Prince George's County.

7 [(8)] (9) On or before July 1 of each year, each person, group, or
8 organization operating as a casino night permittee pursuant to this subsection during the
9 12 months preceding that July 1 shall report under affidavit to the Comptroller of the
10 Treasury, the County Executive and County Council of Prince George's County, and the
11 Prince George's County House and Senate Delegations on:

12 1. The total gross receipts from gaming activities at casino
13 nights in Prince George's County for the 12-month period; and

14 2. The total expenses directly relating to gaming activities at
15 casino nights for the 12-month period.

16 [(9)] (10) A person may not knowingly make a false, fictitious, or fraudulent
17 representation in a permit application, levy submission, record, report, or as part of any
18 other documentation required under this subsection, under subsection (d) of this section,
19 or under a county ordinance adopted pursuant to this subsection.

20 [(10)] (11) A person that conducts a casino night in violation of the provisions
21 of this subsection is subject to the following penalties:

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

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

26 (iii) For a third violation, revocation of the person's permit and a
27 \$10,000 civil penalty.

28 [(11)] (12) A person who violates any provisions of this subsection or a county
29 ordinance enacted pursuant to the provisions of this subsection is guilty of a misdemeanor
30 and, on conviction, is subject to a fine not exceeding \$5,000 or imprisonment not
31 exceeding 3 years or both.

32 (d) (1) (i) In this subsection the following words have the meanings
33 indicated.

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

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

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

4

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

4 [(2)] (3) Notwithstanding § 255(b) of this article, in Prince George's
5 County, a volunteer who assists a person that conducts a casino night may receive a
6 gratuity offered by a public invitee who is playing the games of chance offered during the
7 casino night activities.

8 [(3)] (4) (i) The person that conducts a casino night shall monitor and
9 keep daily records of any gratuities received by an individual under paragraph [(2)] (3) of
10 this subsection for each shift the individual assisted during each casino night conducted
11 by the person.

12 (ii) The records required by subparagraph (i) of this paragraph shall
13 include the name and social security number of each individual who receives gratuities
14 under paragraph [(2)] (3) of this subsection.

15 [(4)] (5) On request of the County or its designee, a person that conducts a
16 casino night shall make the records required to be kept by paragraph [(3)] (4) of this
17 subsection available for inspection by the County or its designee.

18 [(5)] (6) Except for a gratuity offered by a public invitee who is playing the
19 games of chance offered during the casino night activities, a person may not pay an
20 individual who assists in conducting a casino night a salary or compensation of any kind
21 for assisting in conducting the casino night.

22 [(6)] (7) (i) A person that conducts a casino night in violation of the
23 provisions of this subsection is guilty of a misdemeanor and, on conviction, is subject to a
24 fine not exceeding \$5,000 or imprisonment not exceeding 3 years or both.

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

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

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

31 3. For a third violation, revocation of the person's permit and a
32 \$10,000 civil penalty.

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