
By: Delegates Conway, Bozman, D. Hughes, and McClenahan

Introduced and read first time: January 16, 1997

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Wicomico County - Regulated Activities**

3 FOR the purpose of allowing certain additional organizations in Wicomico County to
4 become eligible for certain licenses; establishing certain requirements for certain
5 license applicants; establishing the time periods for which certain licenses are to be
6 in effect; requiring applications for certain licenses to contain certain information;
7 requiring certain organizations to file certain reports with the Sheriff within a
8 certain time period; establishing certain license fees; providing for the denial or
9 suspension of certain licenses under certain conditions; requiring the Sheriff of
10 Wicomico County to establish a certain Advisory Committee; and generally relating
11 to regulation of certain nonprofit activities in Wicomico County.

12 BY repealing and reenacting, with amendments,

13 Article 27 - Crimes and Punishments
14 Section 256
15 Annotated Code of Maryland
16 (1996 Replacement Volume)

17 BY adding to

18 Article 27 - Crimes and Punishments
19 Section 256A
20 Annotated Code of Maryland
21 (1996 Replacement Volume)

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

24 **Article 27 - Crimes and Punishments**

25 256.

26 (a) (1) Notwithstanding any other provisions of this subtitle, the Sheriff of
27 Wicomico County is authorized to issue licenses to conduct games at which it shall be
28 lawful to award prizes in cash or merchandise by such devices as are commonly
29 designated as paddle wheels, wheels of fortune, chance books, bingo, raffles or any other
30 gaming device.

2

1 Organizations eligible TO APPLY TO THE SHERIFF for licenses as provided in this
2 section are listed as follows:

3 [(1)] (I) A tax-supported volunteer fire company or auxiliary unit of which
4 the members thereof are directly associated with such fire company[.];

5 [(2)] (II) A nationally chartered veterans' organization or auxiliary unit of
6 which the members thereof are directly associated with such organization AND THAT HAS
7 BEEN LOCATED IN WICOMICO COUNTY FOR AT LEAST 5 YEARS IMMEDIATELY
8 BEFORE THE APPLICATION TO THE SHERIFF[.];

9 [(3)] (III) A bona fide religious group which has conducted religious services
10 at a fixed location in Wicomico County for a period of at least [three] 5 years
11 IMMEDIATELY [prior to] BEFORE the application to the Sheriff[.];

12 (IV) A NONPROFIT ORGANIZATION THAT IS EXEMPT FROM
13 TAXATION UNDER § 501(C)(3) OR § 501(C)(4) OF THE INTERNAL REVENUE CODE AND
14 HAS BEEN LOCATED IN WICOMICO COUNTY FOR AT LEAST 5 YEARS IMMEDIATELY
15 BEFORE THE APPLICATION TO THE SHERIFF;

16 (V) A NONPROFIT FRATERNAL ORGANIZATION THAT IS EXEMPT
17 FROM TAXATION UNDER § 501(C)(10) OF THE INTERNAL REVENUE CODE AND HAS
18 BEEN LOCATED IN WICOMICO COUNTY FOR AT LEAST 5 YEARS IMMEDIATELY
19 BEFORE THE APPLICATION TO THE SHERIFF; AND

20 [(4)] (VI) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A
21 nonprofit organization [desiring] THAT DESIRES to raise money for an exclusively
22 charitable, athletic [or], OR educational purpose specifically described in the application
23 to the Sheriff[. To qualify under this subsection a nonprofit organization must have]
24 AND HAS been operating as such in Wicomico County for a period of at least [three
25 years] 5 YEARS IMMEDIATELY [prior to] BEFORE the application to the Sheriff.

26 (2) TO QUALIFY UNDER PARAGRAPH (1)(VI) OF THIS SUBSECTION, THE
27 CHARITABLE, ATHLETIC, OR EDUCATIONAL PURPOSE:

28 (I) SHALL MEET THE REQUIREMENTS FOR A CHARITABLE
29 CONTRIBUTION UNDER § 170(C) OF THE INTERNAL REVENUE CODE; AND

30 (II) MAY NOT BE A PURPOSE TO BENEFIT:

31 1. AN AGENCY OF THE STATE GOVERNMENT OR OF A
32 POLITICAL SUBDIVISION OF THE STATE, EXCEPT:

33 A. AN AMBULANCE, FIRE FIGHTING, OR RESCUE SQUAD; OR

34 B. A PRIMARY SCHOOL, SECONDARY SCHOOL, OR COLLEGE;

35 2. A LAW ENFORCEMENT AGENCY OR LAW ENFORCEMENT
36 FRATERNAL ORGANIZATION; OR

37 3. A POLITICAL CLUB, COMMITTEE, OR PARTY.

38 (B) (1) A LICENSE ISSUED UNDER THIS SECTION MAY BE EFFECTIVE:

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1 (I) ON A DAILY BASIS FOR SPECIFIC DATES; OR

2 (II) FOR A PERIOD OF NOT MORE THAN 1 YEAR.

3 (2) THE LICENSING YEAR SHALL BE FROM JULY 1 THROUGH JUNE 30 OF
4 EACH YEAR.

5 [(b)] (C) The application to the Sheriff for the issuance of a license under this
6 section shall contain:

7 (1) A COPY OF THE TAX EXEMPT VERIFICATION AND A COPY OF THE
8 ORGANIZATION'S CHARTER IF APPLICABLE, TO BE PLACED ON FILE WITH THE
9 SHERIFF; AND

10 (2) [a] A certification by one of the principal officers of the organizations
11 stating the following:

12 [(1)] (I) The [time] DATE OR DATES, place, and type of each game for
13 which the license is sought[.];

14 [(2)] (II) That the games and gaming devices for which the license is sought
15 will be solely and personally conducted, managed and operated by the regular members of
16 the organization without the assistance of professionals and that no commission, salary,
17 compensation, reward or recompense will be paid to any person for holding, operating or
18 conducting, or assisting in the holding, operating, or conducting of a game or gaming
19 device[.]; AND

20 (III) THAT ALL PROCEEDS OBTAINED UNDER A LICENSE ISSUED TO
21 AN ORGANIZATION DESCRIBED IN SUBSECTION (A)(1)(I) THROUGH (V) OF THIS
22 SECTION SHALL BE USED IN FURTHERANCE OF THE ORGANIZATION.

23 [(3) That the applicant, by one of its principal officers, will, within fifteen
24 days after the last day named in the application for the permit to conduct activities
25 authorized by this section, file a report under penalties of perjury certifying the following
26 facts:

27 (i) That the authorized activities were conducted at the time and
28 place stated in the application by the regular members of the organization personally
29 without the assistance of professionals;

30 (ii) The disposition of the cash proceeds of the licensed activities; and

31 (iii) That no fee for the rental of premises will be paid by any licensee
32 to itself, to its trustees, to a committee of the licensee or to any organization whose
33 members are the same, or substantially the same, as the licensee.]

34 (D) (1) THE APPLICANT, BY ONE OF ITS PRINCIPAL OFFICERS, SHALL FILE A
35 REPORT UNDER THE PENALTIES OF PERJURY ON A FORM PROVIDED BY THE
36 SHERIFF CERTIFYING THE FOLLOWING FACTS:

37 (I) THAT THE AUTHORIZED ACTIVITIES WERE CONDUCTED AT
38 THE DATE OR DATES AND PLACE STATED IN THE APPLICATION BY THE REGULAR
39 MEMBERS OF THE ORGANIZATION WITHOUT THE ASSISTANCE OF PROFESSIONALS;

4

1 (II) THE PROCEEDS OBTAINED AND THE DISBURSEMENTS MADE IN
2 CONNECTION WITH THE LICENSED ACTIVITIES; AND

3 (III) THAT NO FEE FOR THE RENTAL OF PREMISES HAS BEEN OR
4 WILL BE PAID BY ANY LICENSEE TO ITSELF, TO ITS TRUSTEES, TO A COMMITTEE OF
5 THE LICENSEE OR TO ANY ORGANIZATION WHOSE MEMBERS ARE THE SAME, OR
6 SUBSTANTIALLY THE SAME, AS THE LICENSEE.

7 (2) AN ORGANIZATION FOR WHICH LICENSES ARE ISSUED FOR A
8 PERIOD OF LESS THAN 1 YEAR SHALL FILE A REPORT REQUIRED UNDER
9 PARAGRAPH (1) OF THIS SUBSECTION WITH THE SHERIFF WITHIN 15 DAYS AFTER
10 THE EXPIRATION DATE OF THE LICENSE.

11 (3) AN ORGANIZATION FOR WHICH A LICENSE IS ISSUED FOR A FISCAL
12 YEAR SHALL FILE A SEMIANNUAL REPORT REQUIRED UNDER PARAGRAPH (1) OF
13 THIS SUBSECTION WITH THE SHERIFF ON OR BEFORE JANUARY 31 OF THE
14 LICENSING YEAR AND AN ANNUAL REPORT REQUIRED UNDER PARAGRAPH (1) OF
15 THIS SUBSECTION WITHIN 30 DAYS AFTER THE LICENSE EXPIRES.

16 (4) A LICENSEE SHALL KEEP ON FILE A WEEKLY REPORT, UNDER THE
17 PENALTIES OF PERJURY, IN A FORM PROVIDED BY THE SHERIFF, THAT SHALL BE
18 SUBJECT TO AUDIT AT A REASONABLE HOUR BY A MEMBER OF THE SHERIFF'S
19 OFFICE OR THE STATE'S ATTORNEY'S OFFICE.

20 (5) A LICENSEE THAT FAILS TO COMPLY WITH THE REPORTING
21 REQUIREMENTS OF THIS SUBSECTION SHALL HAVE ITS CURRENT LICENSE
22 SUSPENDED UNTIL THE LICENSEE MEETS THE REQUIREMENTS.

23 [(c)] (E) (1) The Sheriff shall charge the applicant a license fee of[:

24 (i) \$1 for each day the event is to be held; and

25 (ii) \$1 for each game intended to be operated, conducted, or held at
26 the event] \$1 FOR EACH DAY FOR WHICH THE LICENSE IS ISSUED AND AN
27 ADDITIONAL AMOUNT AS FOLLOWS:

28 (I) PULL TABS/INSTANT BINGOS -- \$1 FOR EACH DAY SOLD;

29 (II) BINGO GENERAL -- \$1 FOR EACH DAY OF THE EVENT;

30 (III) BINGO SPECIALS -- \$1 FOR EACH DAY OF THE EVENT;

31 (IV) GAMING DEVICES -- \$1 FOR EACH DEVICE PER DAY; AND

32 (V) RAFFLES -- \$1 FOR EACH RAFFLE HELD.

33 (2) (I) FOR THE PURPOSE OF THIS SECTION, A RAFFLE IS DEEMED TO
34 BE OPERATED ON THE DAY THE RAFFLE WINNERS ARE SELECTED.

35 (II) RAFFLES MAY BE OPERATED ON SUNDAY.

36 [(2)] (3) (I) A license issued under this section:

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1 [(i)] 1. May not authorize the conduct of any games on Sunday,
2 except as provided in paragraph [(3)] (2)(II) of this subsection; and

3 [(ii)] 2. Shall indicate the DATE OR DATES, PLACE, AND games
4 authorized to be conducted.

5 [(3) (i)] A license issued under this section may authorize the operation of:

6 1. More than 1 raffle at the same time; or

7 2. A raffle on Sunday.

8 [(ii)] For purposes of this section, a raffle is deemed to be operated on
9 the day the raffle winners are selected.]

10 [(II)] FOR PURPOSES OF THIS SECTION, 50/50'S SOLD FOR A PERIOD
11 EXCEEDING 1 DAY SHALL BE LICENSED AS A RAFFLE.

12 [(d)] (F) No minor under the age of 16 years shall be allowed to play, participate
13 in, conduct or operate any game or gaming device for which a permit is issued under this
14 section.

15 [(e)] (G) Nothing herein shall be construed to authorize slot machines or any type
16 of coin machines to be used for gambling purposes.

17 [(f)] (H) The Sheriff, municipal police officers and all other prosecuting and
18 peace officers of Wicomico County shall be strictly charged with the enforcement of this
19 section.

20 [(g)] (I) (1) Any organization refusing to file the report set forth in subsection
21 [(b)(3)] (D) of this section or failing to comply with the provisions of this section shall
22 forfeit its right to the issuance of any license for the period of one year.

23 (2) (I) A LICENSEE SHALL BE NOTIFIED BY REGISTERED MAIL OF A
24 DECLARATION BY THE SHERIFF OF THE LICENSEE'S FORFEITURE OF ITS RIGHT TO
25 THE ISSUANCE OF ANOTHER LICENSE OR A SUSPENSION OF A LICENSE UNDER
26 SUBSECTION (D) OF THIS SECTION.

27 [(II)] THE LICENSEE SHALL HAVE 30 DAYS AFTER RECEIVING THE
28 NOTICE TO APPEAL THE DECISION IN WRITING TO THE SHERIFF.

29 [(III)] NOTHING CONTAINED IN THIS SUBSECTION MAY BE
30 CONSTRUED AS LIMITING THE RIGHT OF ANY PARTY TO SEEK JUDICIAL REVIEW OF
31 THE DECISION TO DENY THE ISSUANCE OF, OR SUSPEND, ANY LICENSE DESCRIBED
32 IN THIS SECTION.

33 256A.

34 (A) THE SHERIFF OF WICOMICO COUNTY SHALL ESTABLISH A GAMING
35 ADVISORY COMMITTEE.

36 (B) THE GAMING ADVISORY COMMITTEE SHALL:

37 (1) MAKE RECOMMENDATIONS TO THE SHERIFF CONCERNING THE
38 STANDARDS FOR REPORTING REQUIREMENTS TO BE MET BY LICENSEES;

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1 (2) EXAMINE THE REPORTS AND AUDITS DESCRIBED UNDER § 256(D) OF
2 THIS SUBHEADING; AND

3 (3) MAKE ANY OTHER RECOMMENDATIONS TO ASSIST THE SHERIFF IN
4 THE ADMINISTRATION OF LICENSING AND OTHER DUTIES OF THE SHERIFF UNDER §
5 256 OF THIS SUBHEADING.

6 (C) THE MEMBERS OF THE GAMING ADVISORY COMMITTEE:

7 (1) SHALL SERVE AT THE PLEASURE OF THE SHERIFF; AND

8 (2) MAY NOT RECEIVE COMPENSATION.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1997.