

HOUSE BILL 759
EMERGENCY BILL

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C7

1998 Regular Session
8r2255
CF SB 150

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

Introduced and read first time: February 11, 1998

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County Charitable Gaming Regulatory Act of 1998**
3 **PG 317-98**

4 FOR the purpose of authorizing Prince George's County to regulate charitable gaming
5 events and issue written permits for the operation of charitable gaming events;
6 authorizing the County to establish certain fees and levies for charitable gaming
7 events; authorizing volunteers who work at charitable gaming events to receive
8 gratuities; authorizing the County to limit the amount of gratuities a volunteer
9 may receive; requiring that all gratuities in excess of a certain amount be used
10 for a certain purpose; requiring persons who conduct charitable gaming events
11 to keep certain records and make those records available for inspection by the
12 County; prohibiting certain acts and providing for penalties for violation of the
13 prohibitions; making this Act an emergency measure; defining certain terms;
14 and generally relating to the regulation of charitable gaming events in Prince
15 George's County.

16 BY repealing and reenacting, without amendments,
17 Article 27 - Crimes and Punishments
18 Section 258B(a)
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 1997 Supplement)

21 BY adding to
22 Article 27 - Crimes and Punishments
23 Section 258B(d)
24 Annotated Code of Maryland
25 (1996 Replacement Volume and 1997 Supplement)

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

1

Article 27 - Crimes and Punishments

2 258B.

3 (a) Any group of citizens of Prince George's County, or any company,
4 association or corporate body, bona fide organized within Prince George's County for
5 the promotion of the purposes of a volunteer fire department, or of any charitable,
6 benevolent, patriotic, fraternal, educational, religious or civic object, and not
7 organized for the private profit or gain of any member of such group, company,
8 association or body corporate, may conduct and operate any benefit performance,
9 such as an outdoor or indoor carnival, fair, picnic, dance, card party, bingo party,
10 bazaar, concert, contest, exhibition, lecture, barbecue or dinner, to which the public is
11 invited or admitted with or without charge if the net proceeds of the benefit
12 performance inure to the group, company, association or body corporate for the
13 promotion of and to be used for one or more of the objects hereinbefore set forth, and
14 not for the private gain of any member of the group or organization. At a benefit
15 performance, conducted under the conditions herein prescribed, it shall be lawful to
16 award prizes in merchandise, conduct games of skill, to dispose of merchandise and
17 other things of value by auction or voting or by such mechanical devices as are
18 commonly designated as paddle wheels, wheels of fortune, bingo, or other similar
19 methods, and with or without an entrance or participation charge or fee. It shall also
20 be lawful to award cash prizes of not more than \$1,000 per prize. Before operating any
21 such benefit performance, the group or organization shall first obtain from the
22 governing body of Prince George's County or its designee a written permit. The
23 benefit performance may be managed and operated only by members of such group or
24 organization personally. Except as otherwise provided in this section, any person,
25 company, association or corporation operating, or attempting to operate any such
26 benefit performance in violation of this section, shall, upon conviction of such
27 violation, be subject to a fine not exceeding \$1,000 or imprisonment in jail for a period
28 of not more than 1 year, or both, in the discretion of the court.

29 (D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
30 MEANINGS INDICATED.

31 (II) 1. "CHARITABLE GAMING EVENT" MEANS A BENEFIT
32 PERFORMANCE THAT IS CONDUCTED BY A PERSON IN ACCORDANCE WITH
33 SUBSECTION (A) OF THIS SECTION.

34 2. "CHARITABLE GAMING EVENT" DOES NOT INCLUDE
35 BINGO; AN EVENT AT WHICH GAMBLING DOES NOT OCCUR; OR A CARNIVAL, BAZAAR,
36 OR RAFFLE OPERATED BY A HOLDER OF A PERMIT ISSUED IN ACCORDANCE WITH
37 SECTION 5-106 OF THE PRINCE GEORGE'S COUNTY CODE.

38 (2) "COUNTY" MEANS THE GOVERNING BODY OF PRINCE GEORGE'S
39 COUNTY OR ITS DESIGNEE.

40 (3) (I) THE COUNTY MAY ISSUE WRITTEN PERMITS FOR THE
41 OPERATION OF CHARITABLE GAMING EVENTS.

1 (II) THE COUNTY SHALL ESTABLISH PERMIT FEES AND OTHERWISE
2 REGULATE THE OPERATION OF CHARITABLE GAMING EVENTS.

3 (III) IN ADDITION TO THE FEES ESTABLISHED UNDER
4 SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COUNTY MAY ESTABLISH A LEVY NOT
5 EXCEEDING 5% OF THE GROSS RECEIPTS OF EACH CHARITABLE GAMING EVENT AND
6 10% OF THE GROSS PROCEEDS FROM EACH MECHANICAL DEVICE USED AT A
7 CHARITABLE GAMING EVENT.

8 (IV) THE REVENUES REALIZED FROM THE LEVIES ESTABLISHED
9 UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH ARE TO BE EXPENDED FOR
10 GENERAL PURPOSES.

11 (V) THE LEVIES ESTABLISHED UNDER SUBPARAGRAPH (III) OF
12 THIS PARAGRAPH MAY NOT BE SUBJECT TO REFERENDUM.

13 (4) NOTWITHSTANDING § 255(B) OF THIS ARTICLE, A VOLUNTEER WHO
14 WORKS AT A CHARITABLE GAMING EVENT IN PRINCE GEORGE'S COUNTY MAY
15 RECEIVE A GRATUITY OFFERED BY A PUBLIC INVITEE WHO IS PLAYING THE GAMES
16 OF CHANCE OFFERED AT THE CHARITABLE GAMING EVENT.

17 (5) THE COUNTY MAY ADOPT BY ORDINANCE ADDITIONAL PROVISIONS
18 GOVERNING THE OPERATION OF CHARITABLE GAMING EVENTS, INCLUDING A
19 LIMITATION ON THE AMOUNT OF GRATUITIES A VOLUNTEER MAY RECEIVE FROM A
20 CHARITABLE GAMING EVENT.

21 (6) ANY GRATUITIES IN EXCESS OF THE AMOUNT AUTHORIZED BY A
22 PROVISION ADOPTED IN ACCORDANCE WITH PARAGRAPH (5) OF THIS SUBSECTION
23 SHALL BE USED EXCLUSIVELY BY THE CHARITABLE GAMING EVENT SPONSOR FOR
24 ITS CHARITABLE PURPOSES AND NOT FOR ANY PRIVATE GAIN.

25 (7) (I) THE PERSON THAT CONDUCTS THE CHARITABLE GAMING
26 EVENT SHALL MONITOR AND KEEP DAILY RECORDS OF ALL GRATUITIES RECEIVED
27 BY EACH INDIVIDUAL UNDER PARAGRAPH (4) OF THIS SUBSECTION.

28 (II) THE RECORDS SHALL INCLUDE THE NAME AND SOCIAL
29 SECURITY NUMBER OF EACH INDIVIDUAL WHO RECEIVES A GRATUITY UNDER
30 PARAGRAPH (4) OF THIS SUBSECTION.

31 (8) ON REQUEST OF THE COUNTY, A PERSON THAT CONDUCTS A
32 CHARITABLE GAMING EVENT SHALL MAKE THE RECORDS REQUIRED TO BE KEPT
33 UNDER PARAGRAPH (5) OF THIS SUBSECTION AVAILABLE FOR INSPECTION BY THE
34 COUNTY.

35 (9) A PERSON MAY NOT:

36 (I) KNOWINGLY MAKE A FALSE OR FRAUDULENT
37 REPRESENTATION IN A PERMIT APPLICATION, LEVY SUBMISSION, RECORD, REPORT,
38 OR OTHER DOCUMENT REQUIRED UNDER THIS SUBSECTION OR A COUNTY
39 ORDINANCE ADOPTED IN ACCORDANCE WITH THIS SUBSECTION; OR

1 (II) CONDUCT A CHARITABLE GAMING EVENT IN VIOLATION OF
2 THIS SUBSECTION.

3 (10) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
4 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000
5 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
7 measure, is necessary for the immediate preservation of the public health and safety,
8 has been passed by a yea and nay vote supported by three-fifths of all the members
9 elected to each of the two Houses of the General Assembly, and shall take effect from
10 the date it is enacted.