

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

Committee Report: Favorable

House action: Adopted

Read second time: March 27, 1998

CHAPTER_____

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

1 (1996 Replacement Volume and 1997 Supplement)

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

4 **Article 27 - Crimes and Punishments**

5 258B.

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

32 (D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
33 MEANINGS INDICATED.

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

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

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

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

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

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

12 (IV) THE REVENUES REALIZED FROM THE LEVIES ESTABLISHED
13 UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH ARE TO BE EXPENDED FOR
14 GENERAL PURPOSES.

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

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

21 (5) THE COUNTY MAY ADOPT BY ORDINANCE ADDITIONAL PROVISIONS
22 GOVERNING THE OPERATION OF CHARITABLE GAMING EVENTS, INCLUDING A
23 LIMITATION ON THE AMOUNT OF GRATUITIES A VOLUNTEER MAY RECEIVE FROM A
24 CHARITABLE GAMING EVENT.

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

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

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

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

1 (9) A PERSON MAY NOT:

2 (I) KNOWINGLY MAKE A FALSE OR FRAUDULENT
3 REPRESENTATION IN A PERMIT APPLICATION, LEVY SUBMISSION, RECORD, REPORT,
4 OR OTHER DOCUMENT REQUIRED UNDER THIS SUBSECTION OR A COUNTY
5 ORDINANCE ADOPTED IN ACCORDANCE WITH THIS SUBSECTION; OR

6 (II) CONDUCT A CHARITABLE GAMING EVENT IN VIOLATION OF
7 THIS SUBSECTION.

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

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