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

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Charitable Gaming - Casino Nights**  
3 **PG 310-99**

4 FOR the purpose of restoring charitable gaming in the form of casino nights to Prince  
5 George's County; requiring a person, group, or organization to obtain a permit to  
6 conduct a casino night; requiring Prince George's County to establish certain  
7 fees for a permit to operate a casino night; allowing Prince George's County to  
8 establish a levy of a certain percentage of gross receipts derived from casino  
9 night gaming activities to be expended for general purposes; limiting the  
10 number of permits issued; establishing certain application review procedures  
11 and deadlines; requiring that the proceeds from casino nights held in Prince  
12 George's County only benefit charitable, benevolent, patriotic, fraternal,  
13 educational, religious, or civic purposes in Prince George's County; requiring  
14 casino night permittees by a certain date to make certain reports; providing a  
15 penalty for knowingly making a false, fictitious, or fraudulent representation in  
16 certain documents or reports; providing a penalty for a person who violates  
17 certain provisions; allowing certain compensation of certain individuals;  
18 establishing procedures for recording the compensation of certain individuals;  
19 requiring certain records to be kept; allowing Prince George's County or its  
20 designee to inspect certain records; prohibiting the payment of salary or  
21 compensation of any kind to individuals assisting in conducting a casino night;  
22 providing for a penalty for conducting a casino night in violation of certain  
23 provisions; defining certain terms; making stylistic changes; and generally  
24 relating to casino nights and charitable gaming in Prince George's County.

25 BY repealing and reenacting, with amendments,  
26 Article 27 - Crimes and Punishments  
27 Section 258B(c)  
28 Annotated Code of Maryland  
29 (1996 Replacement Volume and 1998 Supplement)

30 BY adding to  
31 Article 27 - Crimes and Punishments  
32 Section 258B(d)

1 Annotated Code of Maryland  
2 (1996 Replacement Volume and 1998 Supplement)

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

5 **Article 27 - Crimes and Punishments**

6 258B.

7 (c) (1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE  
8 MEANINGS INDICATED:

9 1. [In this subsection "casino night"] "CASINO NIGHT" means  
10 a benefit performance at which card games, wheels of chance, or roulette are played  
11 and money winnings or tokens redeemable in money are awarded as prizes.

12 [(ii)] 2. "Casino night" does not include a benefit performance  
13 such as a carnival, fair, or bazaar at which the only form of gaming is a wheel of  
14 fortune, big wheel, or other wheel of chance.

15 (II) "COUNTY" MEANS THE GOVERNING BODY OF PRINCE GEORGE'S  
16 COUNTY OR ITS DESIGNEE.

17 [(2) Subsection (a) or subsection (b) of this section or § 255 of this  
18 subheading may not be construed to authorize casino nights in Prince George's  
19 County.

20 (3) A person who violates any provisions of this subsection or a County  
21 ordinance enacted pursuant to the provisions of this subsection is guilty of a  
22 misdemeanor and, on conviction, is subject to a fine not exceeding \$5,000 or  
23 imprisonment not exceeding 3 years or both.]

24 (2) (I) THE COUNTY MAY ISSUE WRITTEN PERMITS FOR THE  
25 OPERATION OF CASINO NIGHTS.

26 (II) THE COUNTY SHALL ESTABLISH THE FEES FOR A PERMIT TO  
27 OPERATE A CASINO NIGHT.

28 (III) THE FEES ESTABLISHED UNDER SUBPARAGRAPH (II) OF THIS  
29 PARAGRAPH SHALL BE SUFFICIENT TO PAY FOR THE COSTS OF ADMINISTERING THIS  
30 SUBSECTION.

31 (IV) IN ADDITION TO THE FEES ESTABLISHED UNDER  
32 SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COUNTY SHALL ESTABLISH A LEVY OF  
33 UP TO 20% OF THE GROSS RECEIPTS DERIVED FROM GAMING ACTIVITIES  
34 CONDUCTED AT A CASINO NIGHT TO BE EXPENDED FOR GENERAL PURPOSES.

1 (3) A PERSON, GROUP, OR ORGANIZATION MAY NOT CONDUCT A CASINO  
2 NIGHT WITHOUT FIRST OBTAINING A PERMIT UNDER PARAGRAPH (2) OF THIS  
3 SUBSECTION.

4 (4) THE COUNTY SHALL RESTRICT, REGULATE, OR PROHIBIT THE  
5 ISSUANCE OF WRITTEN PERMITS AUTHORIZED UNDER THIS SUBSECTION.

6 (5) (I) THE NUMBER OF PERMITS ISSUED FOR THE OPERATION OF  
7 CASINO NIGHTS MAY NOT EXCEED 21 AT ANY TIME.

8 (II) THE COUNTY MAY ISSUE FEWER THAN 21 PERMITS FOR THE  
9 OPERATION OF CASINO NIGHTS.

10 (6) (I) AN APPLICATION SUBMITTED FOR ISSUANCE OR RENEWAL OF  
11 A CASINO NIGHT PERMIT MAY NOT BE CONSIDERED PRIMA FACIE EVIDENCE THAT  
12 THE APPLICANT IS ENTITLED TO THE PERMIT.

13 (II) THE BURDEN OF PROOF IS ON THE APPLICANT TO SHOW THAT  
14 THE APPROVAL OF THE ISSUANCE OR RENEWAL OF A CASINO NIGHT PERMIT IS  
15 NECESSARY FOR THE ACCOMMODATION OF THE GENERAL PUBLIC.

16 (III) AN APPLICATION FORM FOR ISSUANCE OR RENEWAL OF A  
17 CASINO NIGHT PERMIT SHALL BE PREPARED BY THE COUNTY AND SHALL CONTAIN  
18 ANY INFORMATION THE COUNTY CONSIDERS NECESSARY OR HELPFUL IN MAKING A  
19 DECISION ON THE ISSUANCE OR RENEWAL OF A CASINO NIGHT PERMIT.

20 (IV) THE COUNTY SHALL REJECT AN APPLICATION IF A  
21 DETERMINATION IS MADE THAT:

22 1. ANY INFORMATION IN THE APPLICATION IS FALSE OR  
23 MISLEADING; OR

24 2. THE OPERATION OF A CASINO:

25 A. IS NOT NECESSARY FOR THE ACCOMMODATION OF THE  
26 GENERAL PUBLIC; OR

27 B. WOULD DISTURB THE PEACE, CREATE A NUISANCE, OR BE  
28 DETRIMENTAL TO THE MORALS, HEALTH, OR WELFARE OF THE COMMUNITY.

29 (V) THE COUNTY SHALL REVIEW AN APPLICATION WITHIN 30 DAYS  
30 AFTER RECEIVING IT. THE COUNTY SHALL APPROVE OR DISAPPROVE, IN WRITING,  
31 THE APPLICATION WITHIN 10 DAYS AFTER THE COMPLETION OF THE REVIEW AND  
32 PROMPTLY NOTIFY THE APPLICANT OF THE ACTION TAKEN.

33 (VI) IF AN APPLICATION IS REJECTED, THE APPLICANT SHALL BE  
34 GIVEN THE OPPORTUNITY FOR A HEARING AFTER REASONABLE NOTICE IS GIVEN TO  
35 THE APPLICANT.

1 (7) THE PROCEEDS OF A CASINO NIGHT HELD IN PRINCE GEORGE'S  
2 COUNTY MAY NOT BE USED FOR ANY PURPOSE OTHER THAN THE PROMOTION OF  
3 THE PURPOSES OF A VOLUNTEER FIRE DEPARTMENT IN PRINCE GEORGE'S COUNTY  
4 OR FOR CHARITABLE, BENEVOLENT, PATRIOTIC, FRATERNAL, EDUCATIONAL,  
5 RELIGIOUS, OR CIVIC PURPOSES IN PRINCE GEORGE'S COUNTY.

6 (8) ON OR BEFORE JULY 1 OF EACH YEAR, EACH PERSON, GROUP, OR  
7 ORGANIZATION OPERATING AS A CASINO NIGHT PERMITTEE PURSUANT TO THIS  
8 SUBSECTION DURING THE 12 MONTHS PRECEDING THAT JULY 1 SHALL REPORT  
9 UNDER AFFIDAVIT TO THE COMPTROLLER OF THE TREASURY, THE COUNTY  
10 EXECUTIVE AND THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, AND THE  
11 PRINCE GEORGE'S COUNTY HOUSE AND SENATE DELEGATIONS ON:

12 (I) THE TOTAL GROSS RECEIPTS FROM GAMING ACTIVITIES AT  
13 CASINO NIGHTS IN PRINCE GEORGE'S COUNTY FOR THE 12-MONTH PERIOD; AND

14 (II) THE TOTAL EXPENSE DIRECTLY RELATING TO GAMING  
15 ACTIVITIES AT CASINO NIGHTS FOR THE 12-MONTH PERIOD.

16 (9) A PERSON MAY NOT KNOWINGLY MAKE A FALSE, FICTITIOUS, OR  
17 FRAUDULENT REPRESENTATION IN A PERMIT APPLICATION, LEVY SUBMISSION,  
18 RECORD, REPORT, OR ANY PART OF ANY OTHER DOCUMENTATION REQUIRED UNDER  
19 THIS SUBSECTION, UNDER SUBSECTION (D) OF THIS SECTION, OR UNDER A COUNTY  
20 ORDINANCE ADOPTED UNDER THIS SUBSECTION.

21 (10) A PERSON THAT CONDUCTS A CASINO NIGHT IN VIOLATION OF THE  
22 PROVISIONS OF THIS SUBSECTION IS SUBJECT TO THE FOLLOWING PENALTIES:

23 (I) FOR A FIRST VIOLATION, A 30-DAY SUSPENSION OF THE  
24 PERSON'S PERMIT TO CONDUCT A CASINO NIGHT AND A \$500 CIVIL PENALTY;

25 (II) FOR A SECOND VIOLATION, A 6-MONTH SUSPENSION OF THE  
26 PERSON'S PERMIT AND A \$3,000 CIVIL PENALTY; AND

27 (III) FOR A THIRD VIOLATION, REVOCATION OF THE PERSON'S  
28 PERMIT AND A \$10,000 CIVIL PENALTY.

29 (11) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBSECTION OR  
30 A COUNTY ORDINANCE ENACTED PURSUANT TO THE PROVISIONS OF THIS  
31 SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A  
32 FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

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

35 (II) "CASINO NIGHT" HAS THE MEANING STATED IN SUBSECTION  
36 (C)(1) OF THIS SECTION.

37 (III) "COUNTY" HAS THE MEANING STATED IN SUBSECTION (C)(1) OF  
38 THIS SECTION.

1 (IV) "PERSON" MEANS A GROUP, COMPANY, ASSOCIATION, OR  
2 CORPORATE BODY REFERRED TO IN SUBSECTION (A) OF THIS SECTION.

3 (2) NOTWITHSTANDING § 255(B) OF THIS SUBHEADING, IN PRINCE  
4 GEORGE'S COUNTY, A VOLUNTEER WHO ASSISTS A PERSON THAT CONDUCTS A  
5 CASINO NIGHT MAY RECEIVE A GRATUITY OFFERED BY A PUBLIC INVITEE WHO IS  
6 PLAYING THE GAMES OF CHANCE OFFERED DURING THE CASINO NIGHT ACTIVITIES.

7 (3) (I) THE PERSON THAT CONDUCTS A CASINO NIGHT SHALL  
8 MONITOR AND KEEP DAILY RECORDS OF ANY GRATUITIES RECEIVED BY AN  
9 INDIVIDUAL UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR EACH SHIFT IN  
10 WHICH THE INDIVIDUAL ASSISTED DURING EACH CASINO NIGHT CONDUCTED BY  
11 THE PERSON.

12 (II) THE RECORDS REQUIRED BY SUBPARAGRAPH (I) OF THIS  
13 PARAGRAPH SHALL INCLUDE THE NAME AND SOCIAL SECURITY NUMBER OF EACH  
14 INDIVIDUAL WHO RECEIVES GRATUITIES UNDER PARAGRAPH (2) OF THIS  
15 SUBSECTION.

16 (4) ON REQUEST OF THE COUNTY, A PERSON THAT CONDUCTS A CASINO  
17 NIGHT SHALL MAKE THE RECORDS REQUIRED TO BE KEPT BY PARAGRAPH (3) OF  
18 THIS SUBSECTION AVAILABLE FOR INSPECTION BY THE COUNTY.

19 (5) EXCEPT FOR A GRATUITY OFFERED BY A PUBLIC INVITEE WHO IS  
20 PLAYING THE GAMES OF CHANCE OFFERED DURING THE CASINO NIGHT ACTIVITIES,  
21 A PERSON MAY NOT PAY AN INDIVIDUAL WHO ASSISTS IN CONDUCTING A CASINO  
22 NIGHT A SALARY OR COMPENSATION OF ANY KIND FOR ASSISTING IN CONDUCTING  
23 THE CASINO NIGHT.

24 (6) (I) A PERSON THAT CONDUCTS A CASINO NIGHT IN VIOLATION OF  
25 THE PROVISIONS OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON  
26 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT  
27 EXCEEDING 3 YEARS OR BOTH.

28 (II) A PERSON THAT CONDUCTS A CASINO NIGHT IN VIOLATION OF  
29 THE PROVISIONS OF THIS SUBSECTION IS SUBJECT TO THE FOLLOWING PENALTIES:

30 1. FOR A FIRST VIOLATION, A 30-DAY SUSPENSION OF THE  
31 PERSON'S PERMIT TO CONDUCT A CASINO NIGHT AND A \$500 CIVIL PENALTY;

32 2. FOR A SECOND VIOLATION, A 6-MONTH SUSPENSION OF  
33 THE PERSON'S PERMIT TO CONDUCT A CASINO NIGHT AND A \$3,000 CIVIL PENALTY;  
34 AND

35 3. FOR A THIRD VIOLATION, REVOCATION OF THE PERSON'S  
36 PERMIT TO CONDUCT A CASINO NIGHT AND A \$10,000 CIVIL PENALTY.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
38 October 1, 1999.