
By: **Delegates Conway, Bozman, McClenahan, W. Baker, and Cane**
Introduced and read first time: February 12, 1999
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Wicomico County - Gaming Requirements and Guidelines**

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

13 BY repealing and reenacting, with amendments,
14 Article 27 - Crimes and Punishments
15 Section 256
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1998 Supplement)

18 BY adding to
19 Article 27 - Crimes and Punishments
20 Section 256A
21 Annotated Code of Maryland
22 (1996 Replacement Volume and 1998 Supplement)

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

25 **Article 27 - Crimes and Punishments**

26 256.

27 (a) (1) Notwithstanding any other provisions of this subtitle, the Sheriff of
28 Wicomico County is authorized to issue licenses to conduct games at which it shall be

1 lawful to award prizes in cash or merchandise by such devices as are commonly
2 designated as paddle wheels, wheels of fortune, chance books, bingo, raffles or any
3 other gaming device.

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

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

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

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

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

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

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

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

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

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

35 1. AN AGENCY OF THE STATE GOVERNMENT OR OF A
36 POLITICAL SUBDIVISION OF THE STATE, EXCEPT:

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

- 1 B. A PRIMARY SCHOOL, SECONDARY SCHOOL, OR COLLEGE;
2 2. A LAW ENFORCEMENT AGENCY OR LAW ENFORCEMENT
3 FRATERNAL ORGANIZATION; OR
4 3. A POLITICAL CLUB, COMMITTEE, OR PARTY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (II) THE PROCEEDS OBTAINED AND THE DISBURSEMENTS MADE IN
11 CONNECTION WITH THE LICENSED ACTIVITIES; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (II) RAFFLES MAY BE OPERATED ON SUNDAY.

8 [(2)] (3) A license issued under this section:

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

11 (ii) Shall indicate the DATE OR DATES, PLACE, AND games
12 authorized to be conducted[.]; AND

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

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

16 2. A raffle on Sunday.

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

19 (III) FOR PURPOSES OF THIS SECTION, 50/50'S SOLD FOR A PERIOD
20 EXCEEDING 1 DAY SHALL BE LICENSED AS A RAFFLE.

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

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

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

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

32 (2) (I) A LICENSEE SHALL BE NOTIFIED BY REGISTERED MAIL OF A
33 DECLARATION BY THE SHERIFF OF THE LICENSEE'S FORFEITURE OF ITS RIGHT TO

1 THE ISSUANCE OF ANOTHER LICENSE OR A SUSPENSION OF A LICENSE UNDER
2 SUBSECTION (D) OF THIS SECTION.

3 (II) THE LICENSEE SHALL HAVE 30 DAYS AFTER RECEIVING THE
4 NOTICE TO APPEAL THE DECISION IN WRITING TO THE SHERIFF.

5 (III) NOTHING CONTAINED IN THIS SUBSECTION MAY BE
6 CONSTRUED AS LIMITING THE RIGHT OF ANY PARTY TO SEEK JUDICIAL REVIEW OF
7 THE DECISION TO DENY THE ISSUANCE OF, OR SUSPEND, ANY LICENSE DESCRIBED
8 IN THIS SECTION.

9 256A.

10 (A) THE SHERIFF OF WICOMICO COUNTY SHALL ESTABLISH A GAMING
11 ADVISORY COMMITTEE.

12 (B) THE GAMING ADVISORY COMMITTEE SHALL:

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

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

17 (3) MAKE ANY OTHER RECOMMENDATIONS TO ASSIST THE SHERIFF IN
18 THE ADMINISTRATION OF LICENSING AND OTHER DUTIES OF THE SHERIFF UNDER §
19 256 OF THIS SUBHEADING.

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

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

22 (2) MAY NOT RECEIVE COMPENSATION.

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