
By: **Prince George's County Delegation**
Introduced and read first time: February 4, 2004
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 27, 2004

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County - Charitable Gaming Events - Authorized**
3 **PG 406-04**

4 FOR the purpose of repealing a prohibition against conducting casino nights in Prince
5 George's County; authorizing the Prince George's County Department of
6 Environmental Resources to issue permits for charitable gaming events in the
7 county to certain applicants; limiting the number of permits that may be issued
8 under this Act; limiting the frequency of charitable gaming events under this
9 Act; specifying the eligibility requirements for permit applicants; requiring the
10 Prince George's County Department of Environmental Resources to issue
11 charitable gaming permits under certain terms and conditions; authorizing the
12 Prince George's County Council to levy a certain tax not exceeding a certain
13 amount; requiring the county to use the proceeds of the tax only for public
14 education purposes; prohibiting a person from receiving compensation from the
15 gross proceeds of a charitable gaming event; authorizing a sponsor of a
16 charitable gaming event to pool tips and gratuities under certain circumstances;
17 making certain distributions subject to certain tax withholding; requiring the
18 Sheriff to enforce this Act; authorizing the Sheriff to collect an hourly
19 enforcement fee from the permittees; requiring certain reports by permittees;
20 providing that certain revenues collected by the Sheriff shall be dedicated to the
21 Sheriff's budget; limiting how the net proceeds of the charitable gaming events
22 may be spent by the permittees; establishing certain penalties; defining a
23 certain term; and generally relating to charitable gaming events in Prince
24 George's County.

25 BY repealing
26 Article - Criminal Law

1 Section 13-1912
2 Annotated Code of Maryland
3 (2002 Volume and 2003 Supplement)

4 BY adding to
5 Article - Criminal Law
6 Section 13-1912
7 Annotated Code of Maryland
8 (2002 Volume and 2003 Supplement)

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

11 **Article - Criminal Law**

12 [13-1912.

13 (a) In this section:

14 (1) "casino night" means a benefit performance at which:

15 (i) a card game, wheel of chance, or roulette is played; and

16 (ii) money winnings or tokens redeemable in money are awarded as
17 prizes; but

18 (2) "casino night" does not include a benefit performance at which the
19 only form of gaming is a wheel of fortune, big wheel, or other wheel of chance.

20 (b) (1) This subtitle and Subtitle 2 of this title do not authorize casino nights
21 in the county.

22 (2) A person may not conduct a casino night in the county.

23 (c) A person who violates this section or a county ordinance enacted under this
24 section is guilty of a misdemeanor and on conviction is subject to imprisonment not
25 exceeding 3 years or a fine not exceeding \$5,000 or both.]

26 13-1912.

27 (A) IN THIS SECTION, "CHARITABLE GAMING EVENT" MEANS A BENEFIT
28 PERFORMANCE AT WHICH:

29 (1) A CARD GAME, WHEEL OF CHANCE, OR ROULETTE IS PLAYED; AND

30 (2) MONEY OR TOKENS REDEEMABLE IN MONEY ARE AWARDED IN
31 PRIZES.

1 (B) (1) THE PRINCE GEORGE'S COUNTY DEPARTMENT OF ENVIRONMENTAL
2 RESOURCES MAY ISSUE A PERMIT FOR A CHARITABLE GAMING EVENT TO AN
3 APPLICANT THAT MEETS THE REQUIREMENTS UNDER THIS SECTION.

4 (2) TO BE ELIGIBLE FOR A PERMIT FOR A CHARITABLE GAMING EVENT,
5 AN APPLICANT SHALL:

6 (I) ~~BE A GROUP OF CITIZENS OF PRINCE GEORGE'S COUNTY OR A~~
7 ~~COMPANY, ASSOCIATION, OR CORPORATION, OR BONA FIDE~~ CHARITABLE
8 ASSOCIATION OR ORGANIZATION IN PRINCE GEORGE'S COUNTY THAT PROMOTES
9 THE PURPOSES OF A VOLUNTEER FIRE DEPARTMENT OR A ~~CHARITABLE,~~
10 BENEVOLENT, PATRIOTIC, FRATERNAL, EDUCATIONAL, OR RELIGIOUS, ~~OR CIVIC~~
11 ~~OBJECT~~ OBJECTIVE; AND

12 (II) HAVE BEEN LOCATED AND ACTIVE FOR AT LEAST 2 YEARS IN
13 PRINCE GEORGE'S COUNTY BEFORE THE DATE OF THE APPLICATION.

14 (3) AN APPLICANT MAY NOT BE ORGANIZED FOR THE PRIVATE PROFIT
15 OR GAIN OF ANY OF ITS MEMBERS.

16 (C) (1) IN ADDITION TO THE PROVISIONS OF THIS SECTION, A PERMIT
17 UNDER THIS SECTION SHALL BE ISSUED UNDER THE SAME TERMS AND CONDITIONS
18 AS THOSE FOR A GAMING PERMIT AUTHORIZED UNDER SUBTITLE 5 OF THE PRINCE
19 GEORGE'S COUNTY CODE.

20 (2) THE FEE FOR A CHARITABLE GAMING PERMIT UNDER THIS SECTION
21 SHALL BE \$150 FOR EACH CHARITABLE GAMING EVENT.

22 (3) THE SHERIFF SHALL ENFORCE THE OPERATION OF CHARITABLE
23 GAMING EVENTS UNDER THIS SECTION.

24 (4) THE PERMITTEE SHALL PAY TO THE SHERIFF OF PRINCE GEORGE'S
25 COUNTY \$28 PER HOUR PER EACH GAMING EVENT FOR ENFORCEMENT ACTIVITIES
26 AT EACH GAMING EVENT.

27 (5) REVENUES COLLECTED BY THE SHERIFF UNDER THIS SUBSECTION
28 SHALL BE DEDICATED TO THE SHERIFF'S BUDGET.

29 (D) (1) THE PRINCE GEORGE'S COUNTY COUNCIL MAY LEVY A TAX NOT
30 EXCEEDING 20% OF THE GROSS PROCEEDS OF CHARITABLE GAMING EVENTS.

31 (2) THE TAX COLLECTED UNDER THIS SUBSECTION MAY BE SPENT
32 ONLY FOR PUBLIC EDUCATION PURPOSES.

33 (E) A PERSON MAY NOT RECEIVE COMPENSATION FROM THE GROSS
34 PROCEEDS OF A CHARITABLE GAMING EVENT.

35 (F) (1) A SPONSOR OF A CHARITABLE GAMING EVENT MAY POOL TIPS AND
36 GRATUITIES FROM PATRONS AND DISTRIBUTE THE PROCEEDS TO WORKERS AT THE

1 CHARITABLE GAMING EVENT IF THE SPONSOR REPORTS THE DISTRIBUTION TO THE
2 DEPARTMENT OF ENVIRONMENTAL RESOURCES.

3 (2) A SPONSOR OF A CHARITABLE GAMING EVENT SHALL WITHHOLD
4 INCOME TAX FROM ANY DISTRIBUTION UNDER THIS SUBSECTION.

5 (G) (1) THE NUMBER OF PERMITS ISSUED FOR THE OPERATION OF
6 CHARITABLE GAMING EVENTS UNDER THIS SECTION MAY NOT EXCEED 21 AT ANY
7 TIME.

8 (2) THE COUNTY MAY ISSUE FEWER THAN 21 PERMITS FOR THE
9 OPERATION OF CHARITABLE GAMING EVENTS.

10 (3) THE FREQUENCY OF CHARITABLE GAMING EVENTS HELD UNDER
11 THIS SECTION BY ANY ONE PERMITTEE MAY NOT EXCEED ONE PER ~~WEEK~~ MONTH.

12 (H) (1) AN APPLICATION FORM TO BE SUBMITTED FOR ISSUANCE OR
13 RENEWAL OF A CHARITABLE GAMING PERMIT SHALL BE PREPARED BY THE COUNTY
14 AND SHALL CONTAIN ANY INFORMATION THE COUNTY CONSIDERS NECESSARY OR
15 HELPFUL IN MAKING A DECISION ON THE ISSUANCE OR RENEWAL OF A PERMIT.

16 (2) THE COUNTY MAY REJECT AN APPLICATION IF A DETERMINATION IS
17 MADE THAT:

18 (I) ANY INFORMATION IN THE APPLICATION IS FALSE OR
19 MISLEADING; OR

20 (II) THE OPERATION OF A CHARITABLE GAMING EVENT IS NOT
21 NECESSARY FOR THE ACCOMMODATION OF THE GENERAL PUBLIC OR WOULD
22 DISTURB THE PEACE, CREATE A NUISANCE, OR BE DETRIMENTAL TO THE MORALS,
23 HEALTH, OR WELFARE OF THE COMMUNITY.

24 (3) (I) THE COUNTY SHALL REVIEW AN APPLICATION WITHIN 30 DAYS
25 OF RECEIVING IT.

26 (II) THE COUNTY SHALL APPROVE OR DISAPPROVE, IN WRITING,
27 THE APPLICATION WITHIN 10 DAYS AFTER THE COMPLETION OF THE REVIEW AND
28 PROMPTLY NOTIFY THE APPLICANT OF THE ACTION TAKEN.

29 (4) IF AN APPLICATION IS REJECTED, THE APPLICANT SHALL BE GIVEN
30 THE OPPORTUNITY FOR A HEARING AFTER REASONABLE NOTICE IS GIVEN TO THE
31 APPLICANT.

32 (I) THE NET PROCEEDS FROM CHARITABLE GAMING EVENTS CONDUCTED
33 UNDER THIS SECTION MAY BE USED ONLY FOR PRINCE GEORGE'S COUNTY
34 CHARITIES, COMMUNITY GRANTS, OR THE PURCHASE AND MAINTENANCE OF FIRE
35 FIGHTING EQUIPMENT AND APPARATUS.

36 (J) IN ADDITION TO ANY REPORTS REQUIRED BY THE COUNTY UNDER
37 COUNTY ORDINANCES, ON OR BEFORE JULY 1 OF EACH YEAR, EACH PERSON, GROUP,

1 OR ORGANIZATION OPERATING UNDER THIS SECTION AS A CHARITABLE GAMING
2 EVENT PERMITTEE DURING THE PRECEDING 12 MONTHS SHALL REPORT UNDER
3 AFFIDAVIT TO THE COMPTROLLER OF THE TREASURY, THE COUNTY EXECUTIVE AND
4 COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, AND THE PRINCE GEORGE'S
5 COUNTY HOUSE AND SENATE DELEGATIONS IN THE GENERAL ASSEMBLY ON:

6 (1) THE TOTAL GROSS RECEIPTS FROM CHARITABLE GAMING EVENTS IN
7 PRINCE GEORGE'S COUNTY FOR THE 12-MONTH PERIOD;

8 (2) AN ITEMIZATION OF THE EXPENSES DIRECTLY RELATED TO THE
9 GAMING ACTIVITIES FOR THE 12-MONTH PERIOD; AND

10 (3) THE DISPOSITION OF ALL NET INCOME RELATED TO THE GAMING
11 ACTIVITIES FOR THE 12-MONTH PERIOD.

12 (K) A PERSON MAY NOT KNOWINGLY MAKE A FALSE, FICTITIOUS, OR
13 FRAUDULENT REPRESENTATION IN A PERMIT APPLICATION, TAX SUBMISSION,
14 RECORD, REPORT, OR AS PART OF ANY OTHER DOCUMENTATION REQUIRED UNDER
15 THIS SECTION OR UNDER A COUNTY ORDINANCE ADOPTED IN ACCORDANCE WITH
16 THIS SECTION.

17 (L) (1) A PERSON THAT CONDUCTS A CHARITABLE GAMING EVENT IN
18 VIOLATION OF THE PROVISIONS OF THIS SECTION IS SUBJECT TO THE FOLLOWING
19 PENALTIES:

20 (I) FOR THE FIRST VIOLATION, A 30-DAY SUSPENSION OF THE
21 PERMIT AND A \$500 CIVIL PENALTY;

22 (II) FOR A SECOND VIOLATION, A 6-MONTH SUSPENSION OF THE
23 PERMIT AND A \$3,000 CIVIL PENALTY; AND

24 (III) FOR A THIRD VIOLATION, REVOCATION OF THE PERMIT AND A
25 \$10,000 CIVIL PENALTY.

26 (2) A PERSON THAT VIOLATES ANY PROVISION OF THIS SECTION OR A
27 PROVISION OF THE PRINCE GEORGE'S COUNTY CODE ADOPTED WITH RESPECT TO
28 THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A
29 FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 June 1, 2004.

