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

Introduced and read first time: February 11, 2005

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Charitable Gaming Events - Authorized**
3 **PG 342-05**

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

27 Section 13-1912

28 Annotated Code of Maryland

29 (2002 Volume and 2004 Supplement)

30 BY adding to

31 Article - Criminal Law

32 Section 13-1912

1 Annotated Code of Maryland
2 (2002 Volume and 2004 Supplement)

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

5 **Article - Criminal Law**

6 [13-1912.

7 (a) In this section:

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

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

10 (ii) money winnings or tokens redeemable in money are awarded as
11 prizes; but

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

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

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

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

20 13-1912.

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

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

24 (2) MONEY OR TOKENS REDEEMABLE IN MONEY ARE AWARDED AS
25 PRIZES.

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

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

31 (I) BE A BONA FIDE CHARITABLE ASSOCIATION OR ORGANIZATION
32 IN PRINCE GEORGE'S COUNTY THAT PROMOTES THE PURPOSES OF A VOLUNTEER OR

1 PROFESSIONAL FIRE DEPARTMENT OR A BENEVOLENT, PATRIOTIC, FRATERNAL,
2 EDUCATIONAL, OR RELIGIOUS OBJECTIVE; AND

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

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

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

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

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

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

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

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

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

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

26 (F) (1) A SPONSOR OF A CHARITABLE GAMING EVENT MAY POOL TIPS AND
27 GRATUITIES FROM PATRONS AND DISTRIBUTE THE PROCEEDS TO WORKERS AT THE
28 CHARITABLE GAMING EVENT IF THE SPONSOR REPORTS THE DISTRIBUTION TO THE
29 DEPARTMENT OF ENVIRONMENTAL RESOURCES.

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

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

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

1 (3) THE FREQUENCY OF CHARITABLE GAMING EVENTS HELD UNDER
2 THIS SECTION BY ANY ONE PERMITTEE MAY NOT EXCEED ONE IN A CALENDAR
3 MONTH.

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

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

10 (I) ANY INFORMATION IN THE APPLICATION IS FALSE OR
11 MISLEADING; OR

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

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

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

21 (4) IF AN APPLICATION IS REJECTED, THE APPLICANT SHALL BE GIVEN
22 THE OPPORTUNITY FOR A HEARING AFTER REASONABLE NOTICE IS GIVEN TO THE
23 APPLICANT.

24 (I) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
25 NET PROCEEDS FROM CHARITABLE GAMING EVENTS CONDUCTED UNDER THIS
26 SECTION MAY ONLY BE USED FOR PRINCE GEORGE'S COUNTY CHARITIES OR
27 COMMUNITY GRANTS.

28 (2) THE NET PROCEEDS FOR CHARITABLE GAMING EVENTS CONDUCTED
29 BY VOLUNTEER OR PROFESSIONAL FIRE DEPARTMENTS MAY ONLY BE USED FOR
30 THE PURCHASE AND MAINTENANCE OF FIRE FIGHTING EQUIPMENT AND
31 APPARATUS.

32 (J) IN ADDITION TO ANY REPORTS REQUIRED BY THE COUNTY UNDER
33 COUNTY ORDINANCES, ON OR BEFORE JULY 1 OF EACH YEAR, EACH PERSON, GROUP,
34 OR ORGANIZATION OPERATING UNDER THIS SECTION AS A CHARITABLE GAMING
35 EVENT PERMITTEE DURING THE PRECEDING 12 MONTHS SHALL REPORT UNDER
36 AFFIDAVIT TO THE COMPTROLLER OF THE TREASURY, THE COUNTY EXECUTIVE AND
37 COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, AND THE PRINCE GEORGE'S
38 COUNTY HOUSE AND SENATE DELEGATIONS IN THE GENERAL ASSEMBLY ON:

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

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

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

7 (K) A PERSON MAY NOT KNOWINGLY MAKE A FALSE, FICTITIOUS, OR
8 FRAUDULENT REPRESENTATION IN A PERMIT APPLICATION, TAX SUBMISSION,
9 RECORD, REPORT, OR AS PART OF ANY OTHER DOCUMENTATION REQUIRED UNDER
10 THIS SECTION OR UNDER A COUNTY ORDINANCE ADOPTED IN ACCORDANCE WITH
11 THIS SECTION.

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

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

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

19 (III) FOR A THIRD VIOLATION, REVOCATION OF THE PERMIT AND A
20 \$10,000 CIVIL PENALTY.

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 June 1, 2005.