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

Introduced and read first time: February 11, 2005

Assigned to: Ways and Means

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Committee Report: Favorable

House action: Adopted

Read second time: March 24, 2005

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CHAPTER\_\_\_\_\_

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

1 Section 13-1912  
2 Annotated Code of Maryland  
3 (2002 Volume and 2004 Supplement)

4 BY adding to  
5 Article - Criminal Law  
6 Section 13-1912  
7 Annotated Code of Maryland  
8 (2002 Volume and 2004 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 AS  
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 BONA FIDE CHARITABLE ASSOCIATION OR ORGANIZATION  
7 IN PRINCE GEORGE'S COUNTY THAT PROMOTES THE PURPOSES OF A VOLUNTEER OR  
8 PROFESSIONAL FIRE DEPARTMENT OR A BENEVOLENT, PATRIOTIC, FRATERNAL,  
9 EDUCATIONAL, OR RELIGIOUS OBJECTIVE; AND

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

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

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

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

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

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

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

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

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

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

33 (F) (1) A SPONSOR OF A CHARITABLE GAMING EVENT MAY POOL TIPS AND  
34 GRATUITIES FROM PATRONS AND DISTRIBUTE THE PROCEEDS TO WORKERS AT THE  
35 CHARITABLE GAMING EVENT IF THE SPONSOR REPORTS THE DISTRIBUTION TO THE  
36 DEPARTMENT OF ENVIRONMENTAL RESOURCES.

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

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

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

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

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

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

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

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

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

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

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

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

35 (2) THE NET PROCEEDS FOR CHARITABLE GAMING EVENTS CONDUCTED  
36 BY VOLUNTEER OR PROFESSIONAL FIRE DEPARTMENTS MAY ONLY BE USED FOR  
37 THE PURCHASE AND MAINTENANCE OF FIRE FIGHTING EQUIPMENT AND  
38 APPARATUS.

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

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

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

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

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

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

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

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

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

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

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

