

SENATE BILL 199

E1, P1

8lr0170

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Lottery)**

Introduced and read first time: January 18, 2008

Rules suspended

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – State Lottery – Theft of Tickets, Equipment, or Products**

3 FOR the purpose of prohibiting a person from knowingly and willfully obtaining or
4 exerting unauthorized control over a lottery ticket, equipment, or products for
5 certain purposes; prohibiting a person from knowingly presenting or giving to
6 another to present for payment a stolen, counterfeit, altered, or misdelivered
7 lottery ticket; providing penalties for a violation of this Act; providing that
8 certain offenses do not preclude prosecution under certain other statutes;
9 providing for the merger of certain convictions under certain circumstances;
10 defining certain terms; and generally relating to the theft, unauthorized use, or
11 misrepresentation of State Lottery tickets, equipment, or products.

12 BY adding to

13 Article – Criminal Law

14 Section 12–213

15 Annotated Code of Maryland

16 (2002 Volume and 2007 Supplement)

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

19 **Article – Criminal Law**

20 **12–213.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
22 **MEANINGS INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) "AGENCY" MEANS THE STATE LOTTERY AGENCY
2 ESTABLISHED UNDER TITLE 9, SUBTITLE 1 OF THE STATE GOVERNMENT
3 ARTICLE.

4 (3) "EQUIPMENT" MEANS EQUIPMENT OWNED, LEASED, OR USED
5 BY THE AGENCY OR ITS CONTRACTOR.

6 (4) "LOTTERY TICKET" MEANS AN ON-LINE LOTTERY GAME
7 TICKET OR AN INSTANT SCRATCH-OFF LOTTERY GAME TICKET THAT IS
8 DISTRIBUTED BY THE AGENCY.

9 (5) "PRODUCT" MEANS A PRODUCT PURCHASED OR USED BY THE
10 AGENCY, ITS LICENSED AGENTS OR RETAILERS, OR PLAYERS.

11 (B) (1) A PERSON MAY NOT KNOWINGLY OR WILLFULLY OBTAIN OR
12 EXERT UNAUTHORIZED CONTROL OVER A LOTTERY TICKET, OR FAIL TO PAY FOR
13 A LOTTERY TICKET, WITH THE INTENT TO DEPRIVE THE AGENCY, ITS LICENSED
14 AGENTS OR RETAILERS, OR THE PURCHASER OF THE LOTTERY TICKET, OF THE
15 VALUE OF THE LOTTERY TICKET OR PRIZE WINNINGS.

16 (2) A PERSON MAY NOT KNOWINGLY PRESENT, OR GIVE TO
17 ANOTHER TO PRESENT, TO THE AGENCY, ITS LICENSED AGENTS, OR RETAILERS,
18 FOR PAYMENT OR TO CLAIM PRIZE WINNINGS, A STOLEN, COUNTERFEIT,
19 ALTERED, OR MISDELIVERED LOTTERY TICKET.

20 (3) A PERSON MAY NOT KNOWINGLY OR WILLFULLY OBTAIN OR
21 EXERT UNAUTHORIZED CONTROL OVER AGENCY EQUIPMENT OR PRODUCTS,
22 WITH THE INTENT TO DEPRIVE THE AGENCY, ITS LICENSED AGENTS OR
23 RETAILERS, OR CONTRACTORS OF THE VALUE OF THE AGENCY EQUIPMENT OR
24 PRODUCT.

25 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
26 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
27 EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.

28 (D) (1) THIS SECTION DOES NOT PRECLUDE PROSECUTION FOR
29 THEFT OF A LOTTERY TICKET, EQUIPMENT, OR PRODUCT UNDER § 7-104 OF
30 THIS ARTICLE.

31 (2) IF A PERSON IS CONVICTED UNDER § 7-104 OF THIS ARTICLE
32 AND THIS SECTION FOR THE SAME ACT OR TRANSACTION, THE CONVICTION
33 UNDER THIS SECTION SHALL MERGE FOR SENTENCING PURPOSES INTO THE
34 CONVICTION UNDER § 7-104 OF THIS ARTICLE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2008.