

SENATE BILL 838

D3, C7

8lr3046

By: **Senator Dyson**

Introduced and read first time: February 11, 2008

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County - Video Gaming Devices - Attorney General to Seek**
3 **Declaratory Judgment**

4 FOR the purpose of requiring the Attorney General to seek a declaratory judgment in
5 the Circuit Court of St. Mary's County against for profit or nonprofit
6 organizations that operate certain video gaming devices in the county; providing
7 that the declaratory judgment declare whether the devices are to be considered
8 slot machines for certain purposes and, if so, whether a for profit video gaming
9 operator would be in violation of a certain statute and whether the operator
10 would be entitled to establish a nonprofit organization for the devices;
11 authorizing the court to allow a certain person to intervene in the proceeding
12 under certain circumstances; providing for an appeal; requiring that the costs of
13 the proceeding be paid by the State with the approval of the Board of Public
14 Works; and generally relating to a declaratory judgment to be sought by the
15 Attorney General concerning video gaming devices in St. Mary's County.

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Attorney General is directed to institute in the Circuit Court of
18 St. Mary's County a declaratory judgment proceeding under the Maryland Uniform
19 Declaratory Judgments Act on behalf of the General Assembly and the Secretary of
20 State against for profit or nonprofit organizations that operate video gaming devices
21 in St. Mary's County and any other persons that the Attorney General considers
22 appropriate, to obtain a declaratory judgment on the following questions:

23 (a) Are the video gaming devices operated by for profit or nonprofit
24 organizations in bars, restaurants, and other establishments in St. Mary's County to
25 be considered slot machines for the purposes of Title 12, Subtitle 3 of the Criminal
26 Law Article?

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) If the video gaming devices are considered to be slot machines, would a
2 for profit organization that locates, possesses, keeps, or operates a device in St. Mary's
3 County be in violation of § 12-302 of the Criminal Law Article?

4 (c) If the video gaming devices are considered to be slot machines, would a
5 for profit organization be entitled to establish a nonprofit organization to locate,
6 possess, keep, or operate a slot machine in St. Mary's County?

7 SECTION 2. AND BE IT FURTHER ENACTED, That, on petition of a person
8 interested in or affected by the determination of the questions presented to the court
9 in the declaratory judgment proceeding to be instituted in accordance with Section 1 of
10 this Act, the court may permit the person to intervene in the proceeding as a party
11 plaintiff or defendant on those terms and conditions that are imposed by the court so
12 as not to delay the proceeding.

13 SECTION 3. AND BE IT FURTHER ENACTED, That, on appeal by any party
14 to the proceeding, the Court of Appeals has jurisdiction to review the judgment and
15 determination of the circuit court rendered in the declaratory judgment proceeding
16 instituted in accordance with Section 1 of this Act. The decision of the Court of
17 Appeals on the review shall have the same force and effect as any other final decision
18 of the Court of Appeals.

19 SECTION 4. AND BE IT FURTHER ENACTED, That the costs of the
20 declaratory judgment proceeding shall be paid by the State with the approval of the
21 Board of Public Works.

22 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2008.