

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 469

(Carroll County Senators)

Judicial Proceedings

Economic Matters

Carroll County - Fortune Telling Ban - Repeal

This bill repeals a statutory provision prohibiting a person from demanding or accepting payment or a gratuity to forecast or foretell, or pretending to forecast or foretell, the future of another person by certain methods in Carroll County.

Fiscal Summary

State Effect: None.

Local Effect: Potential minimal increase in Carroll County revenues if additional businesses are established in the county as a result of the bill.

Small Business Effect: Potential meaningful impact on fortune tellers who establish businesses in Carroll County as a result of the bill.

Analysis

Current Law: In Carroll County, a person is prohibited from demanding or accepting payment or a gratuity to forecast or foretell, or pretend to forecast or foretell, the future of another person by: (1) reading a card; (2) reading a palm; or (3) any other scheme, practice, or device. Violators are guilty of a misdemeanor and are subject to maximum penalties of six months imprisonment and/or a \$100 fine.

Background: In June 2010, the Court of Appeals held that a Montgomery County ordinance banning the demand or acceptance of payment for fortune telling violated the First Amendment to the U.S. Constitution because it regulated noncommercial protected speech and was not narrowly tailored to protect a compelling government interest.

Additional Information

Prior Introductions: None.

Cross File: HB 900 (Carroll County Delegation) - Economic Matters.

Information Source(s): Carroll County, *The Washington Post*, American Civil Liberties Union, *Maryland Business Law Developments* (Maryland State Bar Association), Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2011
ncs/kdm

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