

SENATE BILL 166

C7
SB 128/11 – B&T

2lr1490
CF HB 1287

By: **Senators Glassman, Jacobs, and Jennings**

Introduced and read first time: January 19, 2012

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: March 25, 2012

CHAPTER _____

1 AN ACT concerning

2 **Harford County – Charitable Gaming**

3 FOR the purpose of creating in Harford County a permit to be issued by the Sheriff of
4 Harford County that authorizes certain nonprofit organizations to conduct a
5 gaming contest in Harford County; specifying certain requirements that
6 organizations must meet to be issued a permit; specifying a certain maximum
7 number of gaming contests an organization may hold in a year and the location
8 and hours for conducting a gaming contest; authorizing certain games to be
9 conducted at a gaming contest under certain circumstances; specifying the
10 maximum bet a single individual may place on a game; specifying that alcoholic
11 beverages may be served or sold under certain conditions; prohibiting profits or
12 proceeds from being paid to certain persons under certain circumstances;
13 authorizing certain organizations to use certain proceeds for certain purposes
14 after certain costs are deducted; requiring the holder of a permit to meet certain
15 financial reporting requirements; authorizing the Sheriff of Harford County to
16 refuse to issue a permit under certain conditions; requiring the sheriff to adopt
17 certain regulations; providing a certain penalty; defining a certain term; and
18 generally relating to gaming contests in Harford County.

19 BY renumbering

20 Article – Criminal Law

21 Section 13–1512

22 to be Section 13–1513

23 Annotated Code of Maryland

24 (2002 Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Criminal Law
3 Section 13–1512
4 Annotated Code of Maryland
5 (2002 Volume and 2011 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That Section(s) 13–1512 of Article – Criminal Law of the Annotated
8 Code of Maryland be renumbered to be Section(s) 13–1513.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
10 read as follows:

11 **Article – Criminal Law**

12 **13–1512.**

13 (A) IN THIS SECTION, “GAMING CONTEST” MEANS AN EVENT THAT
14 INVOLVES A CARD GAME, DICE GAME, OR ROULETTE.

15 (B) AN ORGANIZATION SHALL BE ISSUED A PERMIT FROM THE SHERIFF
16 OF HARFORD COUNTY BEFORE THE ORGANIZATION MAY CONDUCT A GAMING
17 CONTEST IN HARFORD COUNTY.

18 (C) AN ORGANIZATION IS ELIGIBLE TO BE ISSUED A PERMIT IF THE
19 ORGANIZATION QUALIFIES AS A NONPROFIT ORGANIZATION UNDER § 501(C)(3)
20 OR (19) OF THE INTERNAL REVENUE CODE AND HAS BEEN LOCATED IN THE
21 COUNTY FOR AT LEAST 3 YEARS BEFORE APPLYING FOR THE PERMIT.

22 (D) TO BE ISSUED A PERMIT, AN ORGANIZATION SHALL:

23 (1) SUBMIT AN APPLICATION TO THE SHERIFF ON A FORM THAT
24 THE SHERIFF REQUIRES;

25 (2) STATE ON THE APPLICATION FORM THE PURPOSE FOR WHICH
26 THE PROCEEDS OF THE GAMING CONTEST WILL BE USED; AND

27 (3) PAY THE PERMIT FEE THAT THE SHERIFF DETERMINES.

28 (E) (1) (I) A HOLDER OF A PERMIT MAY CONDUCT NOT MORE THAN
29 FOUR GAMING CONTESTS IN A CALENDAR YEAR.

30 (II) A PERMIT IS NOT TRANSFERABLE.

1 **(2) A GAMING CONTEST MAY BE HELD ONLY:**

2 **(I) BETWEEN 4 P.M. AND 1 A.M. THE FOLLOWING DAY; AND**

3 **(II) IN A STRUCTURE OR AT A LOCATION THAT IS OWNED OR**
4 **LEASED BY THE HOLDER OF THE PERMIT.**

5 **(3) A SEPARATE PERMIT IS REQUIRED FOR EACH GAMING**
6 **CONTEST.**

7 **(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
8 **BINGO, INSTANT BINGO, A RAFFLE, A PADDLE WHEEL, OR A 50/50 RAFFLE MAY**
9 **BE INCLUDED IN THE GAMES CONDUCTED AT A GAMING CONTEST.**

10 **(II) A GAMING CONTEST MAY NOT CONSIST EXCLUSIVELY OF**
11 **A GAME SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

12 **(F) (1) THE MAXIMUM BET A SINGLE INDIVIDUAL MAY PLACE ON ANY**
13 **GAME CONDUCTED DURING A GAMING CONTEST IS \$10.**

14 **(2) A HOLDER OF A PERMIT MAY SERVE OR SELL ALCOHOLIC**
15 **BEVERAGES AT A GAMING CONTEST ONLY IF THE HOLDER IS ISSUED THE**
16 **PROPER LICENSE BY THE HARFORD COUNTY LIQUOR CONTROL BOARD.**

17 **(3) THE HOLDER OF A PERMIT MAY AWARD PRIZES OF MONEY OR**
18 **MERCHANDISE.**

19 **(G) AN ORGANIZATION MAY RENT OR PURCHASE NECESSARY**
20 **EQUIPMENT AND SUPPLIES TO CONDUCT A GAMING CONTEST BUT MAY NOT**
21 **ENTER INTO A LEASE OR OTHER AGREEMENT TO SHARE PROFITS FROM THE**
22 **GAMING CONTEST.**

23 **(H) (1) A GAMING CONTEST SHALL BE MANAGED AND OPERATED**
24 **PERSONALLY BY MEMBERS OF THE ORGANIZATION CONDUCTING THE GAMING**
25 **CONTEST WITHOUT THE ASSISTANCE OF ANY OUTSIDE WORKER, INCLUDING A**
26 **PAID OR PROFESSIONAL CASINO OPERATOR, MANAGER, OR SUPPLIER OF**
27 **EQUIPMENT.**

28 **(2) A MEMBER OF THE ORGANIZATION MAY NOT RECEIVE OR BE**
29 **PAID ANY OF THE PROCEEDS FROM THE GAMING CONTEST FOR PERSONAL USE**
30 **OR BENEFIT.**

1 **(3) A PERSON MAY NOT RECEIVE A SALARY, COMMISSION, OR**
2 **COMPENSATION OF ANY KIND FOR MANAGING THE GAMING CONTEST OR**
3 **OPERATING A GAME PLAYED IN THE GAMING CONTEST.**

4 **(4) A PERSON OTHER THAN THE HOLDER OF THE PERMIT MAY**
5 **NOT RECEIVE OR BE PAID ANY PROCEEDS.**

6 **(I) AFTER COSTS INCURRED IN CONDUCTING A GAMING CONTEST ARE**
7 **DEDUCTED, PROCEEDS FROM A GAMING CONTEST MAY BE USED ONLY FOR THE**
8 **PURPOSES OF THE ORGANIZATION.**

9 **(J) (1) WITHIN 30 DAYS AFTER A GAMING CONTEST, THE HOLDER OF**
10 **THE PERMIT SHALL SUBMIT TO THE SHERIFF A FINANCIAL REPORT THAT LISTS**
11 **ALL OF THE RECEIPTS AND EXPENDITURES FOR THE GAMING CONTEST.**

12 **(2) THE REPORT SHALL CONTAIN A FULL ACCOUNTING OF THE**
13 **PROCEEDS AND EXPENSES OF THE GAMING CONTEST.**

14 **(3) THE SHERIFF OR THE OFFICE OF THE HARFORD COUNTY**
15 **STATE'S ATTORNEY MAY REQUIRE THE HOLDER OF THE PERMIT TO PRODUCE**
16 **ALL FINANCIAL RECORDS OF THE GAMING CONTEST.**

17 **(4) THE HOLDER OF THE PERMIT SHALL KEEP ALL FINANCIAL**
18 **RECORDS OF THE GAMING CONTEST FOR AT LEAST 2 YEARS AFTER THE GAMING**
19 **CONTEST.**

20 **(5) THE SHERIFF MAY REFUSE TO ISSUE A PERMIT TO AN**
21 **APPLICANT WHO HAS FAILED TO FILE A REQUIRED REPORT FROM A PREVIOUS**
22 **GAMING CONTEST OR IS LATE IN FILING FEDERAL OR STATE TAX REPORTS.**

23 **(6) IF REQUESTED BY THE SHERIFF, THE HOLDER OF THE PERMIT**
24 **SHALL PAY ALL FINANCIAL AUDIT COSTS.**

25 **(K) THE SHERIFF SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
26 **SECTION.**

27 **(L) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
28 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
29 **EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 July 1, 2012.