

SENATE BILL 19

C7
SB 661/12 – B&T

3lr3502

By: **Carroll County Senators**
Introduced and read first time: August 9, 2012
Assigned to: Budget and Taxation

Committee Report: Favorable
Senate action: Adopted with floor amendments
Read second time: August 10, 2012

CHAPTER _____

1 AN ACT concerning

2 **Carroll County and Harford County – Gaming**

3 FOR the purpose of authorizing certain organizations in Carroll County to conduct a
4 card game, card tournament, or casino night under certain circumstances;
5 requiring an organization to obtain a permit from the Board of County
6 Commissioners before conducting a card game, card tournament, or casino
7 night; requiring an organization that seeks a permit to meet certain
8 requirements; specifying that a card game, card tournament, or casino night
9 may be managed and organized by certain organizations; requiring an
10 individual who participates in or helps operate a card game, card tournament,
11 or casino night to be of a certain age; specifying that a permit holder may
12 receive a certain maximum number of permits in a calendar year; providing a
13 certain time limit on a card game, card tournament, or casino night; specifying
14 that a permit is not transferable; requiring that proceeds from a card game,
15 card tournament, or casino night be used for certain purposes and may not be
16 used for other purposes; specifying that the operation of a card game, card
17 tournament, or casino night may not occur during a certain time; authorizing a
18 permit holder under this Act to charge only a pre-set entrance fee; requiring
19 participants in a card game, card tournament, or casino night to use tokens and
20 not cash for wagering under certain circumstances; prohibiting a permit holder
21 from exchanging tokens under certain circumstances; requiring a permit holder
22 to submit a financial report to the Sheriff's Office under certain circumstances;
23 authorizing the Board of County Commissioners to adopt certain regulations;
24 creating in Harford County a permit to be issued by the Sheriff of Harford
25 County that authorizes certain nonprofit organizations to conduct a gaming

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

15 BY renumbering

16 Article – Criminal Law
 17 Section 13–1512
 18 to be Section 13–1513
 19 Annotated Code of Maryland
 20 (2012 Replacement Volume)

21 BY repealing and reenacting, with amendments,

22 Article – Criminal Law
 23 Section 13–906
 24 Annotated Code of Maryland
 25 (2012 Replacement Volume)

26 BY adding to

27 Article – Criminal Law
 28 Section 13–906.1 and 13–1512
 29 Annotated Code of Maryland
 30 (2012 Replacement Volume)

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

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

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

38 **Article – Criminal Law**

39 13–906.

1 (a) Notwithstanding § 13-903 of this subtitle **AND EXCEPT AS PROVIDED**
2 **IN SUBSECTION (B) OF THIS SECTION AND § 13-906.1 OF THIS SUBTITLE**, a
3 person may not conduct a card game, dice game, roulette, or casino night [unless the
4 person is a senior center site council that conducts a card game under subsection (b) of
5 this section].

6 (b) (1) A senior center site council may conduct a card game in a senior
7 center 5 days per week, excluding Sunday.

8 (2) A senior center site council may not:

9 (i) award a prize of money exceeding \$5 to a winner in each
10 session; and

11 (ii) charge a participant more than \$1 to play one session.

12 (3) All money that remains after prizes are awarded shall be
13 distributed to the senior center site council.

14 **13-906.1.**

15 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
16 **MEANINGS INDICATED.**

17 (2) **“CASINO NIGHT” INCLUDES THE PLAY OF CARD GAMES, DICE**
18 **GAMES, AND ROULETTE.**

19 (3) **“PERMIT” MEANS A PERMIT TO CONDUCT A CARD GAME, CARD**
20 **TOURNAMENT, OR CASINO NIGHT.**

21 (B) **BEFORE AN ORGANIZATION MAY CONDUCT A CARD GAME, CARD**
22 **TOURNAMENT, OR CASINO NIGHT, THE ORGANIZATION SHALL OBTAIN A PERMIT**
23 **FROM THE BOARD OF COUNTY COMMISSIONERS OF CARROLL COUNTY.**

24 (C) **TO QUALIFY FOR A PERMIT, AN ORGANIZATION SHALL BE A BONA**
25 **FIDE:**

26 (1) **AMATEUR ATHLETIC ORGANIZATION;**

27 (2) **CHARITABLE ORGANIZATION;**

28 (3) **CIVIC ORGANIZATION;**

29 (4) **FRATERNAL ORGANIZATION;**

1 **(5) HOSPITAL;**

2 **(6) RELIGIOUS ORGANIZATION;**

3 **(7) VOLUNTEER FIRE COMPANY; OR**

4 **(8) WAR VETERANS' ORGANIZATION.**

5 **(D) (1) A CARD GAME, CARD TOURNAMENT, OR CASINO NIGHT MAY**
6 **BE:**

7 **(I) MANAGED AND OPERATED BY THE ORGANIZATION THAT**
8 **IS THE PERMIT HOLDER; OR**

9 **(II) MANAGED BY THE ORGANIZATION THAT IS THE PERMIT**
10 **HOLDER AND OPERATED BY ANOTHER ORGANIZATION LISTED IN SUBSECTION**
11 **(C) OF THIS SECTION.**

12 **(2) TO PARTICIPATE IN OR HELP OPERATE A CARD GAME, CARD**
13 **TOURNAMENT, OR CASINO NIGHT, AN INDIVIDUAL SHALL BE AT LEAST 18 YEARS**
14 **OLD.**

15 **(E) (1) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY**
16 **RECEIVE NOT MORE THAN FOUR PERMITS IN A CALENDAR YEAR.**

17 **(2) A CARD GAME, CARD TOURNAMENT, OR CASINO NIGHT MAY**
18 **NOT LAST LONGER THAN 24 CONSECUTIVE HOURS.**

19 **(F) A PERMIT IS NOT TRANSFERABLE.**

20 **(G) PROCEEDS FROM A CARD GAME, CARD TOURNAMENT, OR CASINO**
21 **NIGHT CONDUCTED UNDER THIS SECTION:**

22 **(1) SHALL BE USED TO BENEFIT A CHARITY OR TO FURTHER THE**
23 **PURPOSE OF THE PERMIT HOLDER; AND**

24 **(2) MAY NOT BENEFIT FINANCIALLY OR BE USED FOR THE**
25 **PERSONAL USE OF AN INDIVIDUAL OR A GROUP OF INDIVIDUALS.**

26 **(H) A PERMIT MAY NOT AUTHORIZE THE OPERATION OF A CARD GAME,**
27 **CARD TOURNAMENT, OR CASINO NIGHT AFTER 1 A.M. ON SUNDAY.**

1 **(I) (1) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY**
2 **CHARGE ONLY A PRE-SET ENTRANCE FEE FOR A CARD GAME, CARD**
3 **TOURNAMENT, OR CASINO NIGHT.**

4 **(2) PARTICIPANTS IN A CARD GAME, CARD TOURNAMENT, OR**
5 **CASINO NIGHT SHALL RECEIVE TOKENS FOR WAGERING IN EXCHANGE FOR THE**
6 **ENTRANCE FEE.**

7 **(3) A PARTICIPANT MAY PURCHASE ADDITIONAL TOKENS DURING**
8 **A CARD GAME, CARD TOURNAMENT, OR CASINO NIGHT, NOT EXCEEDING 100%**
9 **OF THE ENTRANCE FEE.**

10 **(4) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY NOT**
11 **ALLOW CASH TO BE USED FOR WAGERING.**

12 **(J) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY NOT:**

13 **(1) EXCHANGE TOKENS USED IN WAGERING FOR AN ITEM OF**
14 **MERCHANDISE THAT IS WORTH MORE THAN \$10,000; OR**

15 **(2) EXCHANGE TOKENS USED FOR WAGERING FOR MONEY OR AN**
16 **ITEM OF MERCHANDISE HAVING A VALUE THAT IS DIFFERENT FROM THE FAIR**
17 **MARKET RETAIL VALUE OF THE ITEM OF MERCHANDISE THAT WAS RECEIVED**
18 **FOR THE TOKENS.**

19 **(K) WITHIN 60 DAYS AFTER HOLDING A CARD GAME, CARD**
20 **TOURNAMENT, OR CASINO NIGHT, THE ORGANIZATION THAT IS THE PERMIT**
21 **HOLDER SHALL SUBMIT TO THE CARROLL COUNTY SHERIFF'S OFFICE A**
22 **FINANCIAL REPORT THAT LISTS THE RECEIPTS AND EXPENDITURES FOR THE**
23 **CARD GAME, CARD TOURNAMENT, OR CASINO NIGHT.**

24 **(L) IN ADDITION TO BEING SUBJECT TO § 13-909 OF THIS SUBTITLE, AN**
25 **ORGANIZATION THAT IS FOUND TO HAVE VIOLATED THIS SECTION IS**
26 **INELIGIBLE TO RECEIVE A PERMIT UNDER THIS SECTION FOR A PERIOD NOT**
27 **EXCEEDING 5 YEARS.**

28 **(M) THE BOARD OF COUNTY COMMISSIONERS OF CARROLL COUNTY**
29 **MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING**
30 **REGULATIONS TO GOVERN:**

31 **(1) THE ISSUING OF PERMITS;**

32 **(2) PERMIT FEES; AND**

1 **(3) THE CONDUCT AND MANAGEMENT OF A CARD GAME, CARD**
2 **TOURNAMENT, OR CASINO NIGHT IN A MANNER TO PREVENT FRAUD AND**
3 **PROTECT THE PUBLIC.**

4 **13-1512.**

5 **(A) IN THIS SECTION, "GAMING CONTEST" MEANS AN EVENT THAT**
6 **INVOLVES A CARD GAME, DICE GAME, OR ROULETTE.**

7 **(B) AN ORGANIZATION SHALL BE ISSUED A PERMIT FROM THE SHERIFF**
8 **OF HARFORD COUNTY BEFORE THE ORGANIZATION MAY CONDUCT A GAMING**
9 **CONTEST IN HARFORD COUNTY.**

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

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

15 **(1) SUBMIT AN APPLICATION TO THE SHERIFF ON A FORM THAT**
16 **THE SHERIFF REQUIRES;**

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

19 **(3) PAY THE PERMIT FEE THAT THE SHERIFF DETERMINES.**

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

22 **(II) A PERMIT IS NOT TRANSFERABLE.**

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

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

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

27 **(3) A SEPARATE PERMIT IS REQUIRED FOR EACH GAMING**
28 **CONTEST.**

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

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

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

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

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

13 **(G) AN ORGANIZATION MAY RENT OR PURCHASE NECESSARY**
14 **EQUIPMENT AND SUPPLIES TO CONDUCT A GAMING CONTEST BUT MAY NOT**
15 **ENTER INTO A LEASE OR OTHER AGREEMENT TO SHARE PROFITS FROM THE**
16 **GAMING CONTEST.**

17 **(H) (1) A GAMING CONTEST SHALL BE MANAGED AND OPERATED**
18 **PERSONALLY BY MEMBERS OF THE ORGANIZATION CONDUCTING THE GAMING**
19 **CONTEST WITHOUT THE ASSISTANCE OF ANY OUTSIDE WORKER, INCLUDING A**
20 **PAID OR PROFESSIONAL CASINO OPERATOR, MANAGER, OR SUPPLIER OF**
21 **EQUIPMENT.**

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

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

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

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

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

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

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

9 **(4) THE HOLDER OF THE PERMIT SHALL KEEP ALL FINANCIAL**
 10 **RECORDS OF THE GAMING CONTEST FOR AT LEAST 2 YEARS AFTER THE GAMING**
 11 **CONTEST.**

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

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

17 **(K) THE SHERIFF SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
 18 **SECTION.**

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

22 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
 23 effect June 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.