

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 487 (Delegate Niemann)
Ways and Means

Crimes - Gaming and Lottery Devices and Slot Machines - Penalties

This bill increases fines and incarceration periods for certain gaming violations to a maximum fine of \$3,000 and/or imprisonment not to exceed three years.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's penalty provisions. Circuit courts can likely handle any increase in caseload with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: Fines and incarceration periods are increased to a maximum fine of \$3,000 and/or imprisonment not to exceed three years for the following gaming violations:

- keeping, or knowingly allowing to be kept, a gaming device in a building, vessel or place for the purpose of gambling;
- managing a gaming device or a building, vessel, or place for gaming;
- having an interest in a gaming device or the profit of a gaming device;
- holding a lottery in the State or selling a lottery device in the State;

- keeping, or allowing to be used, a house, office, or other place for selling or bartering a lottery device;
- bringing a lottery device into the State unless authorized to do so;
- possessing a book, list, slip, or record of the numbers drawn in a lottery, a lottery device, or money received or to be received from the sale of a lottery device; and
- locating, possessing, keeping, or operating a slot machine in the State, with specified exceptions.

Current Law: An individual who commits specified violations involving gaming devices or providing a building, vessel or place for gambling is guilty of a misdemeanor and on conviction is subject to imprisonment for between six months and one year and/or a fine not exceeding \$500.

An individual who holds a lottery in the State or sells a lottery device in the State is guilty of a misdemeanor and on conviction is subject to imprisonment for between three months and one year and/or a fine of at least \$200 and not exceeding \$1,000.

An individual who commits specified violations involving keeping, or allowing to be used, a house, office, or other place for selling or bartering a lottery device is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year and/or a fine not exceeding \$1,000.

An individual who violates specified violations involving bringing a lottery device into the State or possessing a book, list, slip, or record of the numbers drawn in a lottery, a lottery device, or money received or to be received from the sale of a lottery device is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year and/or a fine not exceeding \$1,000.

An individual, who locates, possesses, keeps, or operates a slot machine in the State, with specified exceptions, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year and/or a fine not exceeding \$1,000.

Background: Generally, a misdemeanor may be brought in either the District Court or a circuit court, at the discretion of the prosecutor, if the penalty is confinement for three years or more or a fine of \$2,500 or more.

Under current law, the violations mentioned in the bill are heard in the District Court. Under the bill, the mentioned violations could be heard in either the District Court or a circuit court.

State Revenues: General fund revenues increase minimally as a result of the bill's increased monetary penalty provisions from cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the bill's incarceration penalties due to more people being committed to State correctional facilities for longer periods of time and increased payments to counties for reimbursement of inmate costs.

Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$2,900 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new State inmate (including variable medical care and variable operating costs) is about \$370 per month. Excluding all medical care, the average variable costs total \$180 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or a State correctional facility. Prior to fiscal 2010, the State reimbursed counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. Currently, the State provides assistance to the counties for locally sentenced inmates and for inmates who are sentenced to and awaiting transfer to the State correctional system. A \$45 per diem grant is provided to each county for each day between 12 and 18 months that a sentenced inmate is confined in a local detention center. Counties also receive an additional \$45 per day grant for inmates who have been sentenced to the custody of the State but are confined in a local facility. The State does not pay for pretrial detention time in a local correctional facility. Persons sentenced in Baltimore City are generally incarcerated in State correctional facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues increase minimally as a result of the bill's monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures increase minimally as a result of the bill's incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. A \$45 per diem State grant is provided to each county for each day between 12 and 18 months that a sentenced inmate is confined in a local detention center. Counties also receive an additional \$45 per day grant for inmates who have been sentenced to the custody of the State but are confined in a local facility. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Comptroller's Office, Judiciary (Administrative Office of the Courts), Maryland State Lottery and Gaming Control Agency, Department of Public Safety and Correctional Services, Department of Legislative Services

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