

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 9 (Senators Klausmeier and Ferguson)
Budget and Taxation

**Criminal Law - Table Games and Video Lottery Terminals - Playing by
Individual Under 21 Years of Age**

This bill prohibits an individual younger than 21 from playing a table game or video lottery terminal (VLT) in a video lottery facility. An infraction is a code violation and a civil offense, which would subject an adult violator to the issuance of a citation and a maximum fine of \$500 for a first violation and \$1,000 for a second or subsequent violation. A minor who violates the prohibition on underage playing of table games or VLTs is subject to juvenile court procedures and dispositions.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues from fines imposed in the District Court. Potential minimal increase in special fund revenues due to additional revenues generated from court costs and distributed to the Criminal Injuries Compensation Fund, the State Victims of Crime Fund, and the Victim and Witness Protection and Relocation Fund. The bill is not expected to materially affect District Court caseloads.

Local Effect: Enforcement of the bill's prohibition can be handled with existing budgeted local resources.

Small Business Effect: None.

Analysis

Current Law: A video lottery operation licensee must ensure that individuals younger than 21 and intoxicated individuals are not allowed to play table games or VLTs and are

not allowed in the area of the video lottery facility where table games or VLTs are located.

Background: Video lottery operation licenses are awarded by the Video Lottery Facility Location Commission. The State Lottery and Gaming Control Agency oversees VLT and table game operations and owns/leases a central monitor and control system to which all VLTs must be connected.

State law authorizes a total of 16,500 VLTs and allocates the following maximum number of VLTs, with specified exceptions: 1,500 in Allegany County (Rocky Gap); 4,750 in Anne Arundel County; 3,750 in Baltimore City; 2,500 in Cecil County; 3,000 in Prince George's County; and 2,500 in Worcester County.

Currently, there are 7,050 VLTs in operation in the State (4,750 in Anne Arundel, 1,500 in Cecil, and 800 in Worcester). The Video Lottery Facility Location Commission has awarded licenses for the Baltimore City and Allegany County (Rocky Gap) locations, but those facilities have not opened for business. Those facilities are expected to operate 3,750 and 500 VLTs, respectively.

In 2012, voters approved a ballot measure authorizing 24-hour operation of VLT facilities, the addition of table games to VLT facilities, and the creation of a VLT facility in Prince George's County.

State Revenues: Though the bill specifies that adjudication of a code violation is not considered a criminal conviction, the bill states that a defendant "is liable for the costs of the proceedings in the District Court and for payment to the Criminal Injuries Compensation Fund." The bill also establishes that court costs in a code violation case for underage playing of a VLT or table game are \$5. Thus, it is assumed that a defendant subject to a citation under the bill will have to pay the current \$35 Criminal Injuries Compensation costs imposed on defendants convicted of a crime in the District Court and the \$5 court cost authorized under the bill. As a result, special fund revenues may increase minimally due to additional revenues generated from court costs and distributed to the Criminal Injuries Compensation Fund, the State Victims of Crime Fund, and the Victim and Witness Protection and Relocation Fund. The distribution of applicable court costs and Criminal Injuries Compensation costs to these special funds is described below.

Court costs are imposed on a defendant convicted of a crime in the amount of \$35 for the District Court. These costs are sometimes referred to as Criminal Injuries Compensation costs. The Comptroller deposits each \$35 fee collected in the District Court into various special funds as follows: (1) \$12.50 into the State Victims of Crime Fund (administered by the Governor's Office of Crime Control and Prevention); (2) \$2.50 into the Victim and Witness Protection and Relocation Fund (administered by the State's Attorneys'

coordinator); and (3) the remainder (\$20) into the Criminal Injuries Compensation Fund (administered by the Criminal Injuries Compensation Board in the Department of Public Safety and Correctional Services).

A court may also impose separate court costs on a defendant in a criminal or traffic case. In addition to the monies transferred as described above, the Comptroller is required to distribute funds from court costs imposed in District Court criminal and traffic cases as follows: (1) \$500,000 to the Criminal Injuries Compensation Fund; and (2) \$125,000 to the Victim and Witness Protection and Relocation Fund.

Additional Information

Prior Introductions: SB 905 of 2012, a similar bill, received a hearing in the Senate Budget and Taxation Committee. No further action was taken. Its cross file, HB 1274, received a hearing in the House Ways and Means Committee, but no further action was taken.

Cross File: None.

Information Source(s): Anne Arundel County, Baltimore City, Department of Natural Resources, Judiciary (Administrative Office of the Courts), Maryland State Lottery and Gaming Control Agency, State's Attorneys' Association, Department of Legislative Services

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