

SB0037/175466/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 37
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Carroll County” and substitute “Baltimore City, Carroll County, and Howard County”; and in the same line, after “Gaming” insert “Events”.

AMENDMENT NO. 2

On page 1, in line 3, strike “Carroll County” and substitute “Baltimore City, Carroll County, and Howard County”; in line 5, after “a” insert “certain”; in lines 5 and 6, strike “from the Board of License Commissioners”; in line 22, after “a” insert “certain”; and in the same line, strike “to the Sheriff’s Office”.

On page 1, in lines 4, 7, 8, 11, 13, 15, 17, and 19, in each instance, strike “night” and substitute “event”; in line 17, strike the second “a” and substitute “certain”; in line 18, strike “holder under this Act” and substitute “holders”; and in line 23, strike “Board of County Commissioners to adopt” and substitute “adoption of”.

On page 2, in line 2, strike “Carroll County” and substitute “Baltimore City, Carroll County, and Howard County”.

AMENDMENT NO. 3

On page 2, after line 2, insert:

“BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 13-501(a) and (b) and 13-502

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)”;

(Over)

in line 5, after “13-906” insert “, 13-1601, 13-1603, and 13-1604”; in line 10, after “Section” insert “13-505.1”; and in the same line, after “13-906.1” insert “and 13-1602.1”.

AMENDMENT NO. 4

On page 2, after line 15, insert:

“13-501.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Commissioner” means the Baltimore City Police Commissioner.

13-502.

This subtitle applies only in Baltimore City.

13-505.1.

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

(2) “CHARITABLE GAMING EVENT” MEANS AN EVENT THAT INCLUDES A CARD GAME, A DICE GAME, AND ROULETTE.

(3) “NONPROFIT ORGANIZATION” MEANS AN ORGANIZATION IN BALTIMORE CITY THAT IS:

(I) A RELIGIOUS ORGANIZATION;

(II) A FRATERNAL ORGANIZATION;

(III) A CIVIC ORGANIZATION;

(IV) A VETERANS' HOSPITAL;

(V) AN AMATEUR ATHLETIC ORGANIZATION IN WHICH ALL PLAYING MEMBERS ARE UNDER THE AGE OF 18 YEARS; OR

(VI) A CHARITABLE ORGANIZATION.

(B) (1) (I) A NONPROFIT ORGANIZATION SHALL BE ISSUED A PERMIT BY THE COMMISSIONER BEFORE THE NONPROFIT ORGANIZATION MAY CONDUCT A CHARITABLE GAMING EVENT.

(II) A PERSON WHO WORKS AS AN OPERATOR OF THE CHARITABLE GAMING EVENT SHALL BE NAMED ON THE PERMIT WITH THE NONPROFIT ORGANIZATION.

(2) BEFORE THE COMMISSIONER MAY ISSUE A PERMIT FOR A CHARITABLE GAMING EVENT, THE COMMISSIONER SHALL REVIEW THE CHARACTER OF THE NONPROFIT ORGANIZATION APPLYING FOR THE PERMIT TO ASCERTAIN THAT THE ORGANIZATION MEETS THE REQUIREMENTS OF THIS SUBTITLE.

(3) THE COMMISSIONER SHALL MAKE ANY APPLICATION FOR A PERMIT AND THE ACTION TAKEN BY THE COMMISSIONER ON THAT APPLICATION A MATTER OF PUBLIC RECORD.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A NONPROFIT ORGANIZATION CONDUCTING A CHARITABLE

(Over)

GAMING EVENT MAY NOT ALLOW AN INDIVIDUAL OR A GROUP OF INDIVIDUALS TO:

(I) BENEFIT FINANCIALLY FROM THE CHARITABLE GAMING EVENT; OR

(II) RECEIVE ANY OF THE PROCEEDS OF THE CHARITABLE GAMING EVENT FOR PERSONAL USE OR BENEFIT.

(2) TO PARTICIPATE AS A PLAYER IN A CHARITABLE GAMING EVENT, AN INDIVIDUAL SHALL BE AT LEAST 21 YEARS OLD.

(3) A NONPROFIT ORGANIZATION MAY PAY THE COST OF GOODS AND OTHER SERVICES ESSENTIAL TO THE OPERATION OF THE CHARITABLE GAMING EVENT.

(4) AN OPERATOR OF A CARD GAME, CARD TOURNAMENT, OR CHARITABLE GAMING EVENT MAY NOT RECEIVE COMPENSATION.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A NONPROFIT ORGANIZATION MAY NOT CONDUCT MORE THAN THREE CHARITABLE GAMING EVENTS IN A CALENDAR YEAR.

(2) WITHIN 60 DAYS AFTER HOLDING A CHARITABLE GAMING EVENT, THE NONPROFIT ORGANIZATION SHALL SUBMIT TO THE COMMISSIONER, THE STATE LOTTERY AND GAMING CONTROL AGENCY, AND THE STATE COMPTROLLER A REPORT THAT LISTS THE RECEIPTS AND EXPENSES FOR THE CHARITABLE GAMING EVENT TO DETERMINE THE AMOUNT OF THE ADMISSIONS AND AMUSEMENT TAX THAT IS DUE.

(E) (1) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY CHARGE ONLY A PRESET ENTRANCE FEE FOR A CHARITABLE GAMING EVENT.

(2) PARTICIPANTS IN A CHARITABLE GAMING EVENT SHALL RECEIVE TOKENS FOR WAGERING IN EXCHANGE FOR THE ENTRANCE FEE.

(3) A PARTICIPANT MAY PURCHASE ADDITIONAL TOKENS, AT A TOTAL COST NOT EXCEEDING 100% OF THE ENTRANCE FEE, DURING A CHARITABLE GAMING EVENT.

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

(F) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY NOT:

(1) EXCHANGE TOKENS USED FOR WAGERING FOR AN ITEM OF MERCHANDISE THAT IS WORTH MORE THAN \$5,000; OR

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

(G) THE COMMISSIONER SHALL ADOPT REGULATIONS FOR:

(1) THE ISSUANCE OF A PERMIT FOR A CHARITABLE GAMING EVENT; AND

(2) THE CONDUCT AND MANAGEMENT OF A CHARITABLE GAMING EVENT TO PREVENT FRAUD AND TO PROTECT THE PUBLIC.

(H) A PERSON WHO KNOWINGLY CONDUCTS OR ATTEMPTS TO CONDUCT A CHARITABLE GAMING EVENT IN VIOLATION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

AMENDMENT NO. 5

On page 4, in line 25, after “NOT” insert “**EXCHANGE TOKENS USED FOR WAGERING FOR**”; in lines 26 and 28, in each instance, strike “EXCHANGE TOKENS USED FOR WAGERING FOR”; in line 27, strike “\$10,000; OR” and substitute “**\$5,000;**”; in line 28, after “MONEY” insert a semicolon; and in the same line, after “OR” insert:

“(3)”.

AMENDMENT NO. 6

On page 3, in line 25, strike “TO PARTICIPATE IN OR HELP OPERATE” and substitute:

“(I) AN OPERATOR OF A CARD GAME, CARD TOURNAMENT, OR CASINO NIGHT MAY NOT RECEIVE COMPENSATION.

“(II) TO VOLUNTEER AS AN OPERATOR OF”;

and after line 27, insert:

“(III) TO PARTICIPATE AS A PLAYER IN A CARD GAME, CARD TOURNAMENT, OR CASINO NIGHT, AN INDIVIDUAL SHALL BE AT LEAST 21 YEARS OLD.”.

AMENDMENT NO. 7

On page 5, in line 3, after “(K)” insert “(1)”; after line 7, insert:

“(2) THE CARROLL COUNTY SHERIFF’S OFFICE SHALL FORWARD THE FINANCIAL REPORTS TO THE STATE LOTTERY AND GAMING CONTROL AGENCY.”.

AMENDMENT NO. 8

On page 5, after line 19, insert:

“13-1601.

(a) This subtitle applies only in Howard County.

(b) (1) Except as provided in paragraph (2) of this subsection, Subtitle 2 of this title applies in Howard County.

(2) Subtitle 2 of this title does not apply to bingo regulated under § 13-1602 of this subtitle OR A CASINO EVENT REGULATED UNDER § 13-1602.1 OF THIS SUBTITLE.

13-1602.1.

(A) IN THIS SECTION, “DEPARTMENT” MEANS THE HOWARD COUNTY DEPARTMENT OF INSPECTIONS, LICENSES, AND PERMITS.

(B) (1) BEFORE AN ORGANIZATION LISTED IN SUBSECTION (D) OF THIS SECTION MAY OPERATE A CASINO EVENT, THE ORGANIZATION SHALL OBTAIN A PERMIT FROM THE DEPARTMENT.

(2) (I) ON THE RECOMMENDATION OF THE DEPARTMENT, THE COUNTY EXECUTIVE SHALL FORWARD TO THE COUNTY COUNCIL A RECOMMENDATION FOR THE FEE TO BE CHARGED FOR A PERMIT UNDER THIS SECTION.

(II) THE COUNTY COUNCIL SHALL ADOPT BY RESOLUTION THE AMOUNT OF THE PERMIT FEE.

(C) SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, AN ORGANIZATION MAY CONDUCT:

(1) ONE CASINO EVENT THAT INCLUDES A CARD GAME DURING EACH CALENDAR MONTH; AND

(2) ONE CASINO EVENT THAT INCLUDES ROULETTE DURING EACH CALENDAR YEAR.

(D) TO CONDUCT A CASINO EVENT UNDER SUBSECTION (C) OF THIS SECTION, AN ORGANIZATION SHALL BE A BONA FIDE:

(1) VOLUNTEER FIRE COMPANY; OR

(2) WAR VETERANS' ORGANIZATION.

(E) (1) A PERMIT HOLDER FOR A CASINO EVENT THAT INCLUDES A CARD GAME OR ROULETTE SHALL ENSURE THAT:

(I) AN INDIVIDUAL OR GROUP OF INDIVIDUALS DOES NOT BENEFIT FINANCIALLY FROM THE HOLDING OF THE CASINO EVENT;

(II) AN INDIVIDUAL OR GROUP OF INDIVIDUALS DOES NOT RECEIVE ANY OF THE PROCEEDS OF THE CASINO EVENT FOR PERSONAL USE OR BENEFIT;

(III) THE CASINO EVENT IS MANAGED PERSONALLY AND WITHOUT COMPENSATION BY THE MEMBERS OF THE PERMIT HOLDER;

(IV) A PARENT, A SUBSIDIARY, OR AN AFFILIATE OF THE ORGANIZATION SPONSORING THE EVENT HAS NOT SPONSORED A CASINO EVENT WITHIN THE CALENDAR MONTH OR CALENDAR YEAR, AS APPROPRIATE;

(V) THE CASINO EVENT IS CONDUCTED BETWEEN 4 P.M. AND 1 A.M; AND

(VI) A PLAYER IN A CASINO EVENT SHALL BE AT LEAST 21 YEARS OLD.

(2) A PERSON THAT HOLDS A CASINO EVENT THAT INCLUDES A CARD GAME OR ROULETTE MAY NOT:

(I) OFFER OR AWARD CUMULATIVE PRIZES THAT HAVE A FAIR MARKET VALUE IN EXCESS OF \$5,000 AT THE EVENT;

(Over)

(II) ALLOW A PLAYER TO BET MORE THAN \$10 IN TOKENS IN ANY ONE GAME WITHIN THE CALENDAR MONTH OR CALENDAR YEAR, AS APPROPRIATE;

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

(IV) EXCHANGE MERCHANDISE THAT WAS RECEIVED FOR TOKENS THAT WERE USED IN WAGERING FOR AN ITEM OF MERCHANDISE HAVING A VALUE THAT IS DIFFERENT FROM THE FAIR RETAIL MARKET VALUE OF THE ITEM OF MERCHANDISE THAT WAS RECEIVED FOR THE TOKENS.

(3) (I) WITHIN 60 DAYS AFTER HOLDING A CASINO EVENT THAT INCLUDES A CARD GAME OR ROULETTE, THE HOLDER OF THE PERMIT FOR THE EVENT SHALL SUBMIT TO THE DEPARTMENT AND THE STATE LOTTERY AND GAMING CONTROL AGENCY A FINANCIAL REPORT THAT LISTS THE RECEIPTS AND EXPENDITURES FOR THE CASINO EVENT.

(II) BEFORE THE PERMIT HOLDER SUBMITS THE REPORT TO THE DEPARTMENT, THE PERMIT HOLDER SHALL SUBMIT THE REPORT TO THE COUNTY POLICE DEPARTMENT FOR REVIEW.

(F) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO GOVERN:

(I) THE ISSUANCE OF A PERMIT TO CONDUCT A CASINO EVENT; AND

(II) THE CONDUCT AND MANAGEMENT OF A CASINO EVENT IN A MANNER DESIGNED TO PREVENT FRAUD AND PROTECT THE PUBLIC.

(2) THE REGULATIONS SHALL REQUIRE THAT A SEPARATE PERMIT BE ISSUED FOR EACH CASINO EVENT TO BE CONDUCTED.

13-1603.

A qualified organization under Subtitle 2 of this title may award prizes in money or merchandise using:

(1) a paddle wheel;

(2) a wheel of fortune;

(3) a chance book;

(4) bingo; or

(5) any other gaming device [except] OTHER THAN:

(i) a card game OR ROULETTE, EXCEPT AS PROVIDED IN § 13-1602.1 OF THIS SUBTITLE; OR

(ii) a dice game]; or

(iii) roulette].

13-1604.

Notwithstanding Subtitle 2 of this title AND EXCEPT AS PROVIDED IN § 13-1602.1 OF THIS SUBTITLE, a person may not conduct a casino night or operate any of the following gaming devices:

(Over)

- (1) a card game;
- (2) a dice game; or
- (3) roulette.”.