

HOUSE BILL 1113

C7

5lr0042

By: **Chair, Ways and Means Committee (By Request – Departmental – Lottery and Gaming Control Agency)**

Introduced and read first time: February 18, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Video Lottery Facilities – Operation and Employee Licenses – Crimes or Acts of**
3 **Moral Turpitude or Gambling**

4 FOR the purpose of altering the circumstances under which the State Lottery and Gaming
5 Control Commission must disqualify an applicant for certain licenses due to the
6 commission of a crime involving moral turpitude or a gambling offense; expanding
7 the requirement to disqualify an applicant due to certain crimes or offenses to
8 include crimes or offenses occurring in certain jurisdictions; limiting, to a certain
9 period, the requirement that an applicant be disqualified for the commission of
10 certain acts that are not prosecuted; and generally relating to applicants for video
11 lottery operation licenses and video lottery employee licenses.

12 BY repealing and reenacting, with amendments,
13 Article – State Government
14 Section 9–1A–08(d) and 9–1A–14(c)
15 Annotated Code of Maryland
16 (2014 Replacement Volume)

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

19 **Article – State Government**

20 9–1A–08.

21 (d) The Commission shall disqualify an applicant for a video lottery operation
22 license on the basis of any of the following criteria:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) failure of the applicant to prove by clear and convincing evidence that
2 the applicant and each person who owns or controls the application are qualified under the
3 provisions of this subtitle;

4 (2) failure of the applicant or any person required to be qualified under this
5 subtitle as a condition of a license to provide information, documentation, and assurances
6 required by this subtitle or requested by the Commission;

7 (3) failure of the applicant or any person required to be qualified under this
8 subtitle as a condition of a license to reveal any fact material to qualification;

9 (4) supplying, by the applicant or any person required to be qualified under
10 this subtitle as a condition of a license, information that is untrue or misleading as to a
11 material fact concerning the qualification criteria;

12 (5) conviction of the applicant or of any person required to be qualified
13 under this subtitle as a condition of a license of an offense under the laws of [the United
14 States or] any jurisdiction [within the United States] that is a criminal offense involving
15 moral turpitude or a gambling offense;

16 (6) current prosecution of the applicant or a person who is required to be
17 qualified under this subtitle as a condition of a license for an offense described under item
18 (5) of this subsection, provided that, at the request of the applicant, the Commission may
19 defer its decision on the application during the pendency of the charge;

20 (7) pursuit by the applicant or a person who is required to be qualified
21 under this subtitle as a condition of a license of economic gain in an occupational manner
22 or context that is in violation of the laws of the State, if the pursuit creates a reasonable
23 belief that participation of the applicant in video lottery operations would be inimical to the
24 policies of this subtitle;

25 (8) identification of the applicant or a person who is required to be qualified
26 under this subtitle as a condition of a license as a career offender or a member of a career
27 offender cartel or an associate of a career offender or career offender cartel in a manner
28 that creates a reasonable belief that the association is of a nature as to be inimical to the
29 policies of this subtitle;

30 (9) [the committing] **COMMISSION** of an act **WITHIN THE PRIOR 7 YEARS**
31 by the applicant or a person who is required to be qualified under this subtitle as a condition
32 of a license that would constitute an offense described under item (5) of this subsection,
33 even if the act [has not been] **WAS NOT PROSECUTED** or may not be prosecuted under the
34 criminal laws of [the State] **ANY JURISDICTION**; and

35 (10) willful defiance by the applicant or a person who is required to be
36 qualified under this subtitle as a condition of a license of a legislative investigatory body or
37 other official investigatory body of the United States or a jurisdiction within the United

1 States when the body is engaged in the investigation of crimes relating to gambling, official
2 corruption, or organized crime activity.

3 9-1A-14.

4 (c) The Commission shall deny a video lottery employee license to an applicant
5 who is disqualified due to:

6 (1) the applicant's failure to prove the applicant's good character, honesty,
7 and integrity;

8 (2) the applicant's lack of expertise or training to be a video lottery
9 employee;

10 (3) the applicant's conviction, active parole, or probation for any crime
11 involving moral turpitude or gambling under the laws of [the United States or any state]
12 **ANY JURISDICTION** within the prior 7 years;

13 (4) the applicant's current prosecution for any crime involving moral
14 turpitude or gambling under the laws of [the United States or any state] **ANY**
15 **JURISDICTION**, but, at the request of the applicant, the Commission may defer a decision
16 on the application during the pendency of the charge;

17 (5) pursuit by the applicant of economic gain in an occupational manner or
18 context that is in violation of the laws of the State, if the pursuit creates a reasonable belief
19 that participation of the applicant in video lottery operations would be inimical to the
20 policies of this subtitle;

21 (6) identification of the applicant as a career offender or a member of a
22 career offender cartel or an associate of a career offender or career offender cartel in a
23 manner that creates a reasonable belief that the association is of a nature as to be inimical
24 to the policies of this subtitle;

25 (7) commission of an act **WITHIN THE PRIOR 7 YEARS** by the applicant
26 that would constitute an offense described under item (3) of this subsection, even if the act
27 [has not been] **WAS NOT PROSECUTED** or may not be prosecuted under the criminal laws
28 of [the State] **ANY JURISDICTION**;

29 (8) willful defiance by the applicant or a person that is required to be
30 qualified under this subtitle as a condition of a license of a legislative investigatory body or
31 other official investigatory body of the United States or a jurisdiction within the United
32 States when the body is engaged in the investigation of crimes relating to gambling, official
33 corruption, or organized crime activity; and

34 (9) any other reason established in the regulations of the Commission as a
35 reason for denying a license.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2015.