

SENATE BILL 443

C7
SB 195/14 – B&T

5lr1303

By: **Senators Norman and Jennings**
Introduced and read first time: February 6, 2015
Assigned to: Budget and Taxation

Committee Report: Favorable
Senate action: Adopted
Read second time: March 9, 2015

CHAPTER _____

1 AN ACT concerning

2 **Harford County – Charitable Gaming**

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

18 BY renumbering
19 Article – Criminal Law
20 Section 13–1512
21 to be Section 13–1513
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2014 Supplement)

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 BY adding to
2 Article – Criminal Law
3 Section 13–1512
4 Annotated Code of Maryland
5 (2012 Replacement Volume and 2014 Supplement)

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

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

11 **Article – Criminal Law**

12 **13–1512.**

13 (A) IN THIS SECTION, “GAMING CONTEST” MEANS AN EVENT THAT
14 INVOLVES A CARD GAME, A DICE GAME, OR ROULETTE.

15 (B) AN ORGANIZATION SHALL BE ISSUED A PERMIT FROM THE SHERIFF OF
16 HARFORD COUNTY BEFORE THE ORGANIZATION MAY CONDUCT A GAMING CONTEST
17 IN HARFORD COUNTY.

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

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

23 (1) SUBMIT AN APPLICATION TO THE SHERIFF ON A FORM THAT THE
24 SHERIFF REQUIRES;

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

27 (3) PAY THE PERMIT FEE THAT THE SHERIFF DETERMINES.

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

30 (II) A PERMIT IS NOT TRANSFERABLE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **(4) THE HOLDER OF THE PERMIT SHALL KEEP ALL FINANCIAL**
15 **RECORDS OF THE GAMING CONTEST FOR AT LEAST 2 YEARS AFTER THE GAMING**
16 **CONTEST.**

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

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

22 **(K) THE SHERIFF SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
23 **SECTION.**

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

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2015.