

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1371
Ways and Means

(Delegates Waldstreicher and Luedtke)

Gaming - Video Lottery Facilities - Voluntary Exclusion

This bill requires a video lottery operation licensee to report to the State Lottery and Gaming Control Commission (SLGCC) the name of an individual on the voluntary exclusion list who attempts to enter a video lottery facility or is removed from a video lottery facility. On receipt of this notification, SLGCC must provide the individual with resources via mail or email to address problem gambling. A video lottery operation licensee must, without the assistance of law enforcement officers, secure the removal of an individual on the voluntary exclusion list from the facility by requesting the individual to leave the facility, or if that request is unsuccessful, requesting security personnel to escort the individual out of the facility. If these attempts to remove an individual are unsuccessful, a licensee may request that law enforcement officers remove the individual. SLGCC's application for voluntary exclusion must state that an individual on the voluntary exclusion list is subject to this removal procedure and may be subject to arrest for wanton trespass on private property.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues and expenditures if the bill results in fewer fines imposed in District Court cases and incarcerations. The State Lottery and Gaming Control Agency (SLGCA) can implement the bill with existing resources.

Local Effect: Potential minimal decrease in local revenues and expenditures if the bill results in fewer fines imposed in circuit court cases and incarcerations.

Small Business Effect: None.

Analysis

Current Law: SLGCC must adopt regulations to reduce or mitigate effects of problem gambling. The regulations must include establishment of a voluntary list of individuals with gambling problems who request to be excluded from any video lottery operation in the State, as well as means for a sober and informed individual to request placement on the exclusion list for a specified time period. A video lottery operation licensee may not permit an individual on the voluntary exclusion list to enter the video lottery facility or to play a video lottery terminal. SLGCC may impose sanctions on a licensee for knowingly failing to exclude from the premises an individual on the voluntary exclusion list.

Under the prohibition against wanton trespass on private property, a person may not:

- enter or cross over private property or board the boat or other marine vessel of another, after having been notified by the owner or the owner's agent not to do so, unless entering or crossing under a good faith claim of right or ownership; or
- remain on private property, including the boat or other marine vessel of another, after having been notified by the owner or the owner's agent not to do so.

This prohibition also applies to property that is used as a housing project and operated by a housing authority or State public body, if an authorized agent of the housing authority or State public body gives the required notice.

Violators are guilty of a misdemeanor, punishable by (1) imprisonment for up to 90 days and/or a \$500 maximum fine for a first violation; (2) imprisonment for up to six months and/or a maximum fine of \$1,000 for a second violation occurring within two years after the first violation; and (3) imprisonment for up to one year and/or a \$2,500 maximum fine for each subsequent violation occurring within two years after the preceding violation.

Background: Video lottery terminal licensees pay annual fees to the Problem Gambling Fund in the Department of Health and Mental Hygiene. Fund revenues are used to operate a 24-hour hotline for compulsive and problem gamblers, provide counseling and support services to compulsive and problem gamblers, and develop and implement problem gambling treatment and prevention programs.

As of January 31, 2017, there are 1,350 individuals on the casino voluntary exclusion list, of which 878 are Maryland residents. In 2016, there were 81 violations of individuals on the casino voluntary exclusion list trespassing on casino property.

SLGCA advises that individuals who sign up for the Voluntary Exclusion Program are provided information on how to address problem gambling when they apply to the program. Individuals enroll in the program to self-exclude themselves from entering

casinos and are reminded that if they enter a casino it violates the terms and conditions of the program. Additionally, SLGCA requires a casino to provide problem gambling assistance information throughout the casino and include problem gambling assistance information on all advertisements that are designed to market their gambling products.

SLGCA advises that if an individual is caught entering a casino, the casino staff will contact local law enforcement and provide SLGCA with the name of the individual. The individual is provided additional information on how to address problem gambling. Local law enforcement serves the individual with a trespass citation and the individual is released. SLGCA staff appears during the court hearing on the trespass citation and recommends the individual be required to have a problem gambling assessment.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Lottery and Gaming Control Agency;
Department of Legislative Services

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