

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 227

(Senator Salling, *et al.*)

Budget and Taxation

**Gaming - Video Lottery Operation Licensees - Confiscation of Fake
Identification**

This bill authorizes a video lottery operation licensee to confiscate the identification provided by an individual to gain admittance to a video lottery facility that the licensee determines is fictitious or fraudulently altered. The video lottery operation licensee must return the confiscated identification to the Motor Vehicle Administration (MVA), armed forces branch, or other issuing organization by the first day of the month following the confiscation, if it has been determined not to be fictitious or fraudulently altered. A licensee may not be held liable for confiscating, in good faith, an identification that is later determined not to be fictitious or fraudulently altered.

Fiscal Summary

State Effect: None. The bill pertains exclusively to private-sector activities.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A person may not, with fraudulent intent:

- possess a fictitious or fraudulently altered government identification document;
- display, cause, or allow to be displayed a fictitious or fraudulently altered government identification document;

- lend a government identification document to another person or knowingly allow the use of the person's government identification document by another person; or
- display or represent as the person's own a government identification document that was not issued to the person.

A person who violates these provisions is guilty of a misdemeanor and subject to imprisonment for up to six months and/or a fine of up to \$500.

Except for specified adult video lottery employees, an individual under age 21 is prohibited from (1) playing a table game or video lottery terminal (VLT) in a video lottery facility or (2) entering or remaining in an area within a video lottery facility that is designated for table game or VLT activities. An infraction is a code violation and a civil offense, which subjects an adult violator to (1) the issuance of a citation and a maximum fine of \$100 for a first violation; (2) a \$500 maximum fine for a second violation; and (3) a \$1,000 maximum fine and mandatory participation in gambling addiction treatment for a third 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.

A video lottery operation licensee must ensure that individuals under age 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. The State may impose financial penalties on VLT operators for violations.

Background: In 2016, there were 14 reported incidents of individuals under age 21 using false identification or someone else's identification to gain entry into a Maryland casino.

Casinos conduct visual inspections of patrons' identification documents and/or use electronic card readers to verify the document. If an identification document is determined to be fraudulent, the individual is denied entry into the area of the facility where table games or VLTs are located. Most casinos confiscate fictitious or fraudulently altered identification cards, and some casinos send these cards to the MVA for disposal.

The State Lottery and Gaming Control Agency advises that the vast majority of underage individuals who attempt to enter a gaming facility do so by using another individual's identification card. Casinos typically put those individuals on exclusion lists to bar them from entering all gaming facilities owned by the casino's corporate structure.

MVA advises that any fraudulent identification should be seized. The video lottery operation licensee may contact the police and have the individual cited for using a fraudulent identification, or the licensee can confiscate the identification and send it to the MVA.

Additional Information

Prior Introductions: A similar bill, SB 265 of 2016, received a hearing in the Senate Budget and Taxation Committee, but no further action was taken.

Cross File: None.

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

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