

HOUSE BILL 1036

C7, E1
HB 1806/18 – W&M & JUD

9lr1849
CF 9lr2915

By: **Delegates J. Lewis, W. Fisher, Harrison, Ivey, and Jackson**

Introduced and read first time: February 8, 2019

Assigned to: Ways and Means and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Crimes Related to Licensed Gaming – Penalties**

3 FOR the purpose of prohibiting a person from cheating at a certain game; prohibiting a
4 person from altering or misrepresenting the outcome of a certain game under certain
5 circumstances; prohibiting a person from placing, increasing, or decreasing a bet or
6 determining the course of certain play after acquiring certain knowledge; prohibiting
7 a person from claiming, collecting, or taking or attempting to claim, collect, or take
8 money or anything of value in or from a certain game, with intent to defraud, under
9 certain circumstances; prohibiting a person from placing or increasing a certain bet
10 after acquiring certain knowledge; prohibiting a person from reducing the amount
11 wagered or cancelling a certain bet after acquiring certain knowledge; prohibiting a
12 person from manipulating or using artifice on a certain device in a certain manner,
13 with the intent to cheat; prohibiting a person from facilitating the manipulation of a
14 certain component of a gaming device in a certain manner with a certain intent;
15 prohibiting a person from offering, promising, or giving anything of value to another
16 person for the purpose of influencing the outcome of a certain race, sporting event,
17 contest, or game or to place, increase, or decrease a certain wager after acquiring
18 certain knowledge; prohibiting a person from changing or altering the normal
19 outcome of a certain game, with a certain intent; prohibiting a person from using,
20 possessing with the intent to use, or assisting another person in using or possessing
21 with the intent to use a certain device, software, or hardware for certain purposes;
22 prohibiting a person from possessing, using, selling, or manufacturing certain
23 counterfeit wagering instruments; prohibiting a person from possessing, using,
24 selling, or manufacturing a certain counterfeit item used for certain purposes;
25 prohibiting a person from using certain wagering instruments in the play or use of a
26 certain game, equipment, or system; prohibiting a certain person possessing a device
27 intended to violate certain provisions of law, a certain key or device designed for a
28 certain purpose, or certain paraphernalia; prohibiting a person from manufacturing,
29 selling, or distributing a card, chip, die, game, or device that is intended for a certain
30 purpose; prohibiting a person from marking, altering, or otherwise modifying a
31 gaming device or certain equipment in a certain manner; prohibiting a person from

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 instructing another in cheating a certain game or in the use of a certain device with
2 a certain knowledge or intent; providing penalties for a violation of this Act;
3 providing for the determination of the value of certain property or services; providing
4 that a certain course of conduct may be considered as one crime and the value of
5 certain property or services may be aggregated for certain purposes; providing for
6 the application of this Act; making the provisions of this Act severable; defining
7 certain terms; and generally relating to gaming.

8 BY adding to

9 Article – Criminal Law

10 Section 12–401 through 12–406 to be under the new subtitle “Subtitle 4. Crimes
11 Related to Licensed Gaming”

12 Annotated Code of Maryland

13 (2012 Replacement Volume and 2018 Supplement)

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

16 **Article – Criminal Law**

17 **SUBTITLE 4. CRIMES RELATED TO LICENSED GAMING.**

18 **12–401.**

19 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (B) “ASSOCIATED EQUIPMENT” HAS THE MEANING STATED IN § 9–1A–01 OF
22 THE STATE GOVERNMENT ARTICLE.

23 (C) “BET SWITCH” MEANS MOVING A WAGER FROM ONE BETTING AREA TO
24 ANOTHER AFTER THE OUTCOME OF THE GAME OR ADDITIONAL KNOWLEDGE HAS
25 BEEN ESTABLISHED.

26 (D) “CAPPING” MEANS INCREASING THE AMOUNT WAGERED AFTER THE
27 OUTCOME OF THE GAME OR ADDITIONAL KNOWLEDGE HAS BEEN ESTABLISHED.

28 (E) (1) “CARD MARKING” MEANS ALTERING A PLAYING CARD IN A
29 METHOD ONLY APPARENT TO THE MARKER OR CONSPIRATOR.

30 (2) “CARD MARKING” INCLUDES BENDING OR ADDING VISIBLE
31 MARKS TO A CARD.

32 (F) “CARD SWITCH” MEANS SWITCHING CARDS WITHIN THE PLAYER’S OWN
33 HAND AFTER THE OUTCOME OF THE GAME OR ADDITIONAL KNOWLEDGE HAS BEEN

1 ESTABLISHED.

2 (G) "CHEAT" OR "CHEATING" MEANS TO ACT ALONE OR TO CONSPIRE WITH
3 ANOTHER PERSON TO ALTER THE ELEMENTS OF CHANCE, METHOD OF SELECTION,
4 OR CRITERIA THAT DETERMINE:

5 (1) THE RESULT OF A GAME;

6 (2) THE AMOUNT OR FREQUENCY OF PAYMENT IN A GAME;

7 (3) THE VALUE OF A WAGERING INSTRUMENT; OR

8 (4) THE VALUE OF A WAGERING CREDIT.

9 (H) "DICE SLIDING" MEANS INTENTIONALLY SLIDING A DIE ON THE
10 SURFACE OF THE GAMING TABLE TO ALTER THE OUTCOME OF THE GAME.

11 (I) "GAME" OR "GAMING" MEANS A TABLE GAME, VIDEO LOTTERY
12 TERMINAL, OR OTHER GAMING ACTIVITY LICENSED OR REGULATED UNDER TITLE 9,
13 SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

14 (J) "GAMING DEVICE" HAS THE MEANING STATED IN § 12-101 OF THIS
15 TITLE.

16 (K) "GAMING INSTRUMENT" INCLUDES:

17 (1) CASINO CHIPS OR CHEQUES;

18 (2) POKER CHIPS;

19 (3) PROMOTIONAL CHIPS;

20 (4) RACE AND SPORTSBOOK CHIPS;

21 (5) TEMPORARY VALUE CHIPS USED IN THE GAME OF ROULETTE; AND

22 (6) VIDEO LOTTERY TERMINAL VOUCHERS OR
23 TICKET-IN-TICKET-OUT (TITO) VOUCHERS.

24 (L) "LICENSED GAMING ESTABLISHMENT" MEANS A FACILITY LICENSED OR
25 REGULATED UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

26 (M) "LICENSEE" HAS THE MEANING STATED IN § 9-1A-01 OF THE STATE

1 **GOVERNMENT ARTICLE.**

2 (N) "MANUFACTURER" HAS THE MEANING STATED IN § 9-1A-01 OF THE
3 STATE GOVERNMENT ARTICLE.

4 (O) "PAST POSTING" MEANS MAKING A NEW WAGER AFTER THE OUTCOME
5 OF THE GAME OR ADDITIONAL KNOWLEDGE HAS BEEN ESTABLISHED.

6 (P) "PINCHING" MEANS DECREASING THE AMOUNT WAGERED AFTER THE
7 OUTCOME OF THE GAME OR ADDITIONAL KNOWLEDGE HAS BEEN ESTABLISHED.

8 (Q) "SHINER" MEANS AN OBJECT WITH A REFLECTIVE SURFACE USED TO
9 GAIN KNOWLEDGE OF CARDS THAT ARE FACED DOWN OR AWAY FROM THE PLAYER.

10 **12-402.**

11 (A) A PERSON MAY NOT CHEAT AT A GAME.

12 (B) A PERSON MAY NOT:

13 (1) ALTER OR MISREPRESENT THE OUTCOME OF A GAME ON WHICH
14 WAGERS HAVE BEEN MADE AFTER THE OUTCOME IS ESTABLISHED BUT BEFORE THE
15 OUTCOME IS REVEALED TO THE PLAYERS OF THE GAME;

16 (2) PLACE, INCREASE, OR DECREASE A BET OR DETERMINE THE
17 COURSE OF PLAY AFTER ACQUIRING KNOWLEDGE, NOT AVAILABLE TO ALL PLAYERS,
18 OF THE OUTCOME OF THE GAME, INFORMATION THAT AFFECTS THE OUTCOME OF
19 THE GAME, OR AN EVENT THAT IS THE SUBJECT OF A BET OR AID ANOTHER PERSON
20 IN ACQUIRING THE KNOWLEDGE FOR THE PURPOSE OF PLACING, INCREASING, OR
21 DECREASING A BET OR DETERMINING THE COURSE OF PLAY CONTINGENT ON THAT
22 EVENT OR OUTCOME, INCLUDING:

23 (I) BET CAPPING;

24 (II) PAST POSTING;

25 (III) BET PINCHING;

26 (IV) BET SWITCHING;

27 (V) CARD MARKING;

28 (VI) USING A SHINER, A CAMERA, OR ANOTHER DEVICE TO GAIN

1 HOLE CARD KNOWLEDGE; OR

2 (VII) GAINING ILLEGITIMATE TOP CARD KNOWLEDGE THROUGH
3 COLLUSION;

4 (3) CLAIM, COLLECT, OR TAKE, OR ATTEMPT TO CLAIM, COLLECT, OR
5 TAKE MONEY OR ANYTHING OF VALUE IN OR FROM A GAME, WITH INTENT TO
6 DEFRAUD, WITHOUT HAVING MADE A WAGER CONTINGENT ON THE GAME, OR TO
7 CLAIM, COLLECT, OR TAKE AN AMOUNT GREATER THAN THE AMOUNT WON,
8 INCLUDING:

9 (I) MAKING A FALSE CLAIM OR A LATE BET; OR

10 (II) REMOVING A CREDIT FROM A SLOT MACHINE;

11 (4) PLACE OR INCREASE A BET AFTER ACQUIRING KNOWLEDGE OF
12 THE OUTCOME OR POTENTIAL OUTCOME OF A GAME OR OTHER EVENT THAT IS THE
13 SUBJECT OF THE BET, INCLUDING:

14 (I) PAST POSTING;

15 (II) BET SWITCHING; OR

16 (III) CAPPING A BET;

17 (5) REDUCE THE AMOUNT WAGERED OR CANCEL A BET AFTER
18 ACQUIRING KNOWLEDGE OF THE OUTCOME OR POTENTIAL OUTCOME OF A GAME OR
19 OTHER EVENT THAT IS THE SUBJECT OF THE BET, INCLUDING:

20 (I) PINCHING A BET; OR

21 (II) BET SWITCHING;

22 (6) MANIPULATE OR USE ARTIFICE ON, WITH THE INTENT TO CHEAT,
23 A COMPONENT OF A GAMING DEVICE IN A MANNER CONTRARY TO THE DESIGNED
24 AND NORMAL OPERATIONAL PURPOSE OF THE COMPONENT WITH KNOWLEDGE
25 THAT THE MANIPULATION OR ARTIFICE WILL AFFECT THE OUTCOME OF THE GAME,
26 INCLUDING:

27 (I) CARD MARKING;

28 (II) CARD BENDING; OR

1 (III) USING A GAFFED ROULETTE BALL OR GAFFED DICE;

2 (7) FACILITATE THE MANIPULATION, WITH THE INTENT TO CHANGE
3 THE ELEMENT OF CHANCE, OF A COMPONENT OF A GAMING DEVICE IN A MANNER
4 CONTRARY TO THE DESIGNED AND NORMAL OPERATIONAL PURPOSE FOR THE
5 COMPONENT WITH KNOWLEDGE THAT THE MANIPULATION WILL AFFECT THE
6 OUTCOME OF A GAME, INCLUDING:

7 (I) CARD SORTING;

8 (II) DICE SLIDING; OR

9 (III) INTENTIONALLY ALTERING THE BALANCE OF A ROULETTE
10 WHEEL;

11 (8) OFFER, PROMISE, OR GIVE ANYTHING OF VALUE TO ANOTHER
12 PERSON FOR THE PURPOSE OF INFLUENCING THE OUTCOME OF A RACE, SPORTING
13 EVENT, CONTEST, OR GAME ON WHICH A WAGER MAY BE MADE, OR PLACE,
14 INCREASE, OR DECREASE A WAGER AFTER ACQUIRING KNOWLEDGE THAT IS NOT
15 AVAILABLE TO THE GENERAL PUBLIC THAT A PERSON HAS BEEN OFFERED,
16 PROMISED, OR GIVEN ANYTHING OF VALUE FOR THE PURPOSE OF INFLUENCING THE
17 OUTCOME OF THE RACE, SPORTING EVENT, CONTEST, OR GAME ON WHICH THE
18 WAGER IS PLACED, INCREASED, OR DECREASED; OR

19 (9) CHANGE OR ALTER THE NORMAL OUTCOME OF A GAME, WITH
20 INTENT TO EXPLOIT A CONDITION UNINTENDED BY THE MANUFACTURER, ON A
21 VIDEO LOTTERY TERMINAL, A TABLE GAME, OR ANY ASSOCIATED EQUIPMENT, OR
22 CHANGE OR ALTER THE WAY IN WHICH THE OUTCOME IS REPORTED TO A
23 PARTICIPANT IN THE GAME.

24 12-403.

25 (A) THIS SECTION DOES NOT APPLY TO USE OR POSSESSION OF DEVICES,
26 HARDWARE, OR SOFTWARE BY A LICENSED GAMING ESTABLISHMENT TO DETECT
27 CHEATING.

28 (B) A PERSON MAY NOT USE, POSSESS WITH THE INTENT TO USE, OR ASSIST
29 ANOTHER PERSON IN USING OR POSSESSING WITH THE INTENT TO USE A
30 COMPUTERIZED, ELECTRONIC, ELECTRICAL, OR MECHANICAL DEVICE, OR
31 SOFTWARE OR HARDWARE, OR A COMBINATION OF A DEVICE, HARDWARE, OR
32 SOFTWARE, THAT IS DESIGNED, CONSTRUCTED, ALTERED, OR PROGRAMMED TO
33 OBTAIN AN ADVANTAGE AT PLAYING A GAME WITHOUT THE APPROVAL OF THE
34 MANUFACTURER OR LICENSEE, INCLUDING A DEVICE THAT:

1 (1) PROJECTS THE OUTCOME OF THE GAME;

2 (2) KEEPS TRACK OF CARDS PLAYED OR CARDS PREPARED FOR PLAY
3 IN THE GAME;

4 (3) ANALYZES THE PROBABILITY OF THE OCCURRENCE OF AN EVENT
5 RELATING TO THE GAME; OR

6 (4) ANALYZES THE STRATEGY FOR PLAYING OR BETTING TO BE USED
7 IN THE GAME.

8 12-404.

9 (A) A PERSON MAY NOT POSSESS, USE, SELL, OR MANUFACTURE
10 COUNTERFEIT CHIPS, COUNTERFEIT DEBIT INSTRUMENTS, OR OTHER
11 COUNTERFEIT WAGERING INSTRUMENTS IN A GAME, EQUIPMENT ASSOCIATED WITH
12 A GAME, OR A CASHLESS WAGERING SYSTEM.

13 (B) A PERSON MAY NOT POSSESS, USE, SELL, OR MANUFACTURE A
14 COUNTERFEIT INSTRUMENT, A COUNTERFEIT TICKET, OR ANY OTHER COUNTERFEIT
15 ITEM THAT IS USED TO DETERMINE THE OUTCOME OF A CONTEST OR PROMOTIONAL
16 ACTIVITY CONDUCTED BY OR ON BEHALF OF A LICENSEE.

17 (C) A PERSON MAY NOT:

18 (1) USE CHIPS, TOKENS, WAGERING CREDITS, OR OTHER WAGERING
19 INSTRUMENTS THAT ARE NOT:

20 (I) APPROVED BY THE STATE LOTTERY AND GAMING CONTROL
21 COMMISSION; OR

22 (II) LEGAL TENDER OF THE UNITED STATES; OR

23 (2) USE COINS OR TOKENS NOT OF THE SAME DENOMINATION AS THE
24 COINS OR TOKENS INTENDED TO BE USED IN PLAYING OR USING A GAME,
25 ASSOCIATED EQUIPMENT, OR CASHLESS WAGERING SYSTEM.

26 (D) (1) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO IS AN
27 EMPLOYEE OF A LICENSEE AUTHORIZED AS PART OF THEIR EMPLOYMENT TO
28 POSSESS AN ITEM PROHIBITED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

29 (2) A PERSON MAY NOT POSSESS:

1 (I) A DEVICE INTENDED TO BE USED TO VIOLATE THE
2 PROVISIONS OF THIS SUBTITLE;

3 (II) A KEY OR DEVICE KNOWN TO HAVE BEEN DESIGNED FOR
4 THE PURPOSE OF AND SUITABLE FOR OPENING, ENTERING, OR AFFECTING THE
5 OPERATION OF A GAME, A CASHLESS WAGERING SYSTEM, OR A DROP BOX, OR AN
6 ELECTRONIC OR MECHANICAL DEVICE CONNECTED TO A GAME, A CASHLESS
7 WAGERING SYSTEM, OR A DROP BOX THAT CAN BE USED FOR REMOVING MONEY OR
8 OTHER CONTENTS FROM THE GAME, CASHLESS WAGERING SYSTEM, OR DROP BOX;
9 OR

10 (III) THE EQUIPMENT, PRODUCTS, AND MATERIALS THAT ARE
11 INTENDED FOR USE OR DESIGNED FOR USE IN MANUFACTURING, PRODUCING,
12 FABRICATING, PREPARING, TESTING, ANALYZING, PACKAGING, STORING, OR
13 CONCEALING A COUNTERFEIT FACSIMILE OF A CHIP, A TOKEN, A DEBIT
14 INSTRUMENT, OR ANY OTHER WAGERING INSTRUMENT THAT IS:

15 1. APPROVED BY THE STATE LOTTERY AND GAMING
16 CONTROL COMMISSION; OR

17 2. A LAWFUL COIN OF THE UNITED STATES.

18 12-405.

19 (A) A PERSON MAY NOT MANUFACTURE, SELL, OR DISTRIBUTE A CARD,
20 CHIP, DIE, GAME, OR DEVICE THAT IS INTENDED TO BE USED TO VIOLATE A
21 PROVISION OF THIS SUBTITLE.

22 (B) A PERSON MAY NOT MARK, ALTER, OR OTHERWISE MODIFY A GAMING
23 DEVICE OR EQUIPMENT ASSOCIATED WITH A GAMING DEVICE IN A MANNER THAT:

24 (1) AFFECTS THE RESULT OF A WAGER BY DETERMINING WIN OR
25 LOSS; OR

26 (2) ALTERS THE NORMAL CRITERIA OF RANDOM SELECTION THAT
27 AFFECTS THE OPERATION OF A GAME OR THAT DETERMINES THE OUTCOME OF A
28 GAME.

29 (C) A PERSON MAY NOT INSTRUCT ANOTHER IN CHEATING A GAME OR IN
30 THE USE OF A DEVICE FOR THE PURPOSE OF CHEATING A GAME WITH THE
31 KNOWLEDGE OR INTENT THAT THE INFORMATION OR USE SO CONVEYED MAY BE
32 EMPLOYED TO VIOLATE A PROVISION OF THIS SUBTITLE.

1 12-406.

2 (A) A PERSON CONVICTED UNDER THIS SUBTITLE FOR A VIOLATION OF THIS
3 SUBTITLE IN WHICH THERE IS A LOSS TO A LICENSEE OF PROPERTY OR SERVICES
4 WITH A VALUE OF:

5 (1) AT LEAST \$1,500 BUT LESS THAN \$25,000 IS GUILTY OF A FELONY
6 AND:

7 (I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR
8 A FINE NOT EXCEEDING \$10,000 OR BOTH; AND

9 (II) SHALL RESTORE THE PROPERTY TAKEN TO THE LICENSEE
10 OR PAY THE LICENSEE THE VALUE OF THE PROPERTY OR SERVICES;

11 (2) AT LEAST \$25,000 BUT LESS THAN \$100,000 IS GUILTY OF A
12 FELONY AND:

13 (I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS
14 OR A FINE NOT EXCEEDING \$15,000 OR BOTH; AND

15 (II) SHALL RESTORE THE PROPERTY TAKEN TO THE LICENSEE
16 OR PAY THE LICENSEE THE VALUE OF THE PROPERTY OR SERVICES; OR

17 (3) \$100,000 OR MORE IS GUILTY OF A FELONY AND:

18 (I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS
19 OR A FINE NOT EXCEEDING \$25,000 OR BOTH; AND

20 (II) SHALL RESTORE THE PROPERTY TAKEN TO THE LICENSEE
21 OR PAY THE LICENSEE THE VALUE OF THE PROPERTY OR SERVICES.

22 (B) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON
23 CONVICTED UNDER THIS SUBTITLE FOR A VIOLATION OF THIS SUBTITLE IN WHICH
24 THERE IS A LOSS TO A LICENSEE OF PROPERTY OR SERVICES WITH A VALUE OF AT
25 LEAST \$100 BUT LESS THAN \$1,500, IS GUILTY OF A MISDEMEANOR AND:

26 (1) IS SUBJECT TO:

27 (I) FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING
28 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH; AND

1 **(II) FOR A SECOND OR SUBSEQUENT CONVICTION,**
2 **IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH;**
3 **AND**

4 **(2) SHALL RESTORE THE PROPERTY TAKEN TO THE LICENSEE OR PAY**
5 **THE LICENSEE THE VALUE OF THE PROPERTY OR SERVICES.**

6 **(C) A PERSON CONVICTED UNDER THIS SUBTITLE FOR A VIOLATION OF THIS**
7 **SUBTITLE IN WHICH THERE IS A LOSS TO A LICENSEE OF PROPERTY OR SERVICES**
8 **WITH A VALUE OF LESS THAN \$100 IS GUILTY OF A MISDEMEANOR AND:**

9 **(1) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A**
10 **FINE NOT EXCEEDING \$500 OR BOTH; AND**

11 **(2) SHALL RESTORE THE PROPERTY TAKEN TO THE LICENSEE OR PAY**
12 **THE LICENSEE THE VALUE OF THE PROPERTY OR SERVICES.**

13 **(D) SUBJECT TO SUBSECTION (E) OF THIS SECTION, A PERSON WHO HAS**
14 **FOUR OR MORE PRIOR CONVICTIONS UNDER THIS SUBTITLE AND WHO IS CONVICTED**
15 **UNDER THIS SUBTITLE FOR A VIOLATION OF THIS SUBTITLE IN WHICH THERE IS A**
16 **LOSS TO A LICENSEE OF PROPERTY OR SERVICES WITH A VALUE OF LESS THAN**
17 **\$1,500 UNDER SUBSECTION (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR**
18 **AND:**

19 **(1) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A**
20 **FINE NOT EXCEEDING \$5,000 OR BOTH; AND**

21 **(2) SHALL RESTORE THE PROPERTY TAKEN TO THE LICENSEE OR PAY**
22 **THE LICENSEE THE VALUE OF THE PROPERTY OR SERVICES.**

23 **(E) THE COURT MAY NOT IMPOSE THE PENALTIES UNDER SUBSECTION (D)**
24 **OF THIS SECTION UNLESS THE STATE'S ATTORNEY SERVES NOTICE ON THE**
25 **DEFENDANT OR THE DEFENDANT'S COUNSEL BEFORE THE ACCEPTANCE OF A PLEA**
26 **OF GUILTY OR NOLO CONTENDERE OR AT LEAST 15 DAYS BEFORE TRIAL THAT:**

27 **(1) THE STATE WILL SEEK THE PENALTIES UNDER SUBSECTION (D)**
28 **OF THIS SECTION; AND**

29 **(2) LISTS THE ALLEGED PRIOR CONVICTIONS.**

30 **(F) (1) FOR THE PURPOSES OF DETERMINING IF A VIOLATION THAT IS**
31 **COMMITTED IS SUBJECT TO SUBSECTION (A) OR (B) OF THIS SECTION, IF THE VALUE**
32 **OF THE PROPERTY OR SERVICE CANNOT BE DETERMINED, THE VALUE IS DEEMED**

1 TO BE LESS THAN \$1,500.

2 (2) FOR THE PURPOSES OF DETERMINING IF A THEFT VIOLATION
3 THAT IS COMMITTED IS SUBJECT TO SUBSECTION (B) OR (C) OF THIS SECTION, IF
4 THE VALUE OF THE PROPERTY OR SERVICE CANNOT BE DETERMINED, THE VALUE IS
5 DEEMED TO BE LESS THAN \$100.

6 (G) A GAMING INSTRUMENT APPROVED BY THE STATE LOTTERY AND
7 GAMING CONTROL COMMISSION FOR GAMING USE HAS THE EQUIVALENT
8 MONETARY VALUE STATED ON THE INSTRUMENT OR ASSIGNED BY GAME PLAY.

9 (H) WHEN A VIOLATION OF THIS SUBTITLE IS COMMITTED UNDER ONE
10 SCHEME OR CONTINUING COURSE OF CONDUCT, WHETHER FROM THE SAME OR
11 SEVERAL SOURCES:

12 (1) THE CONDUCT MAY BE CONSIDERED AS ONE CRIME; AND

13 (2) THE VALUE OF THE PROPERTY OR SERVICES MAY BE
14 AGGREGATED FOR THE PURPOSES OF DETERMINING WHETHER THE VIOLATION IS A
15 FELONY OR A MISDEMEANOR.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
17 apply only prospectively and may not be applied or interpreted to have any effect on or
18 application to any cause of action arising before the effective date of this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
20 the application thereof to any person or circumstance is held invalid for any reason in a
21 court of competent jurisdiction, the invalidity does not affect other provisions or any other
22 application of this Act that can be given effect without the invalid provision or application,
23 and for this purpose the provisions of this Act are declared severable.

24 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2019.