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CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
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VICE-CHAIR



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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Budget and Taxation Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 652
Maryland Illegal Online Gambling Enforcement Act
DATE: February 25, 2026
(3/11)
POSITION: Oppose, as drafted, only the specific provisions below

The Judiciary has no position on the policy aims of this legislation nor opposition to the bill's general provisions. The opposition is only as to the specific provisions below.

First, the bill would require a court to order the forfeiture of any profits, gain, gross receipts, or other benefits earned by a person in connection with a violation of the bill's prohibitions (p. 7, lines 5–7). The Judiciary traditionally opposes legislation that includes mandatory provisions and would request that discretion be afforded.

Further, on page 11, line 30 through 32, the bill mandates that the court hold a hearing on an ex parte injunction within 30 days after it is filed. It is not clear whether this ex parte injunction is in addition to a temporary restraining order, which is provided for in Title 15, Chapter 500 of the Maryland Rules. The Judiciary would request that the reference to ex parte injunction be removed and, rather, the parties be allowed to proceed under the rules already in place. Those rules authorize the relief the statute seeks to afford, in a thorough and cognizable way. The Judiciary also objects to the legislative mandate as to the timing of the hearing. The separation of powers doctrine requires that the Court retain authority to manage its own dockets and, allowing the process to proceed pursuant to Title 15, Chapter 500 of the Maryland Rules, would alleviate that concern.

In addition, the bill permits a court to issue relief, including a temporary restraining order, a preliminary injunction, or a permanent injunction “against any person . . .” (p. 11, lines 10–11). The Court lacks the authority to take judicial action against third parties, who have not come under the Court’s jurisdiction or had the opportunity to be heard. Equitable relief of the sort can be issued only against parties to the proceeding; the court would be without jurisdiction to issue equitable relief against any person who is not a party.

cc. Hon. Jeff Waldstreicher
Judicial Council
Legislative Committee
Kelley O’Connor