

SENATE BILL 9

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SB 905/12 – B&T

(PRE-FILED)

3lr0650
CF 3lr0527

By: **Senators Klausmeier and Ferguson**

Requested: October 25, 2012

Introduced and read first time: January 9, 2013

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Table Games and Video Lottery Terminals – Playing by**
3 **Individual Under 21 Years of Age**

4 FOR the purpose of prohibiting an individual under the age of 21 years from playing a
5 table game or video lottery terminal in a video lottery facility; establishing
6 penalties for a certain violation of this Act; establishing that a person who
7 violates this Act shall be issued a certain citation; authorizing certain
8 individuals to issue certain citations under certain circumstances; requiring the
9 District Court to prescribe a certain form of citation; requiring the jurisdiction
10 that issues a certain citation to forward a copy of the citation and a request for
11 trial to the District Court having a certain venue; requiring the District Court to
12 schedule a certain trial and summon a certain defendant to appear; providing
13 that a willful failure to respond to a certain summons is contempt of court;
14 establishing that a violation of a certain provision of this Act is a Code violation
15 and a civil offense; providing that a minor is subject to certain procedures and
16 dispositions; providing that an individual who is under the age of 21 years but
17 not a minor is subject to certain provisions of this Act; establishing that an
18 adjudication of a certain Code violation is not a criminal conviction for any
19 purpose and does not impose certain disabilities; establishing certain
20 procedures for a certain Code violation proceeding; establishing certain
21 penalties for a certain violation of this Act; prohibiting the Chief Judge of the
22 District Court from establishing a certain schedule for the prepayment of fines;
23 authorizing a court to direct that the payment of a certain fine be suspended or
24 deferred; establishing that the willful failure to pay a certain fine is criminal
25 contempt of court; providing that a certain defendant is liable for certain costs;
26 establishing that a certain defendant has certain rights to appeal or file certain
27 motions; authorizing the State's Attorney to prosecute a certain violation in a
28 certain manner; establishing that a violation of a certain provision of this Act is
29 a violation for certain purposes; authorizing a certain law enforcement officer to
30 issue a citation to a child for a violation of a certain provision of this Act under

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain circumstances; defining a certain term; making conforming changes; and
 2 generally relating to table game and video lottery terminal violations.

3 BY adding to

4 Article – Criminal Law

5 Section 10–136 and 10–137 to be under the new part “Part V. Table Game and
 6 Video Lottery Terminal Violations”

7 Annotated Code of Maryland

8 (2012 Replacement Volume and 2012 Supplement)

9 BY repealing and reenacting, with amendments,

10 Article – Courts and Judicial Proceedings

11 Section 3–8A–01(dd) and 3–8A–33(a)

12 Annotated Code of Maryland

13 (2006 Replacement Volume and 2012 Supplement)

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

16 **Article – Criminal Law**

17 **10–134. RESERVED.**

18 **10–135. RESERVED.**

19 **PART V. TABLE GAME AND VIDEO LOTTERY TERMINAL VIOLATIONS.**

20 **10–136.**

21 **(A) (1) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**
 22 **INDICATED.**

23 **(2) “TABLE GAMES” HAS THE MEANING STATED IN § 9–1A–01 OF**
 24 **THE STATE GOVERNMENT ARTICLE.**

25 **(3) “VIDEO LOTTERY FACILITY” HAS THE MEANING STATED IN §**
 26 **9–1A–01 OF THE STATE GOVERNMENT ARTICLE.**

27 **(4) “VIDEO LOTTERY TERMINAL” HAS THE MEANING STATED IN §**
 28 **9–1A–01 OF THE STATE GOVERNMENT ARTICLE.**

29 **(B) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT PLAY A**
 30 **TABLE GAME OR VIDEO LOTTERY TERMINAL IN A VIDEO LOTTERY FACILITY.**

31 **10–137.**

1 **(A) A PERSON WHO VIOLATES § 10–136 OF THIS PART SHALL BE ISSUED**
2 **A CITATION UNDER THIS SECTION.**

3 **(B) A CITATION FOR A VIOLATION OF § 10–136 OF THIS PART MAY BE**
4 **ISSUED BY:**

5 **(1) A POLICE OFFICER AUTHORIZED TO MAKE ARRESTS; AND**

6 **(2) IN STATE FORESTRY RESERVATIONS, STATE PARKS, HISTORIC**
7 **MONUMENTS, AND RECREATION AREAS, A FOREST OR PARK WARDEN UNDER §**
8 **5–206(A) OF THE NATURAL RESOURCES ARTICLE.**

9 **(C) A PERSON AUTHORIZED UNDER THIS SECTION TO ISSUE A CITATION**
10 **SHALL ISSUE THE CITATION IF THE PERSON HAS PROBABLE CAUSE TO BELIEVE**
11 **THAT THE PERSON CHARGED IS COMMITTING OR HAS COMMITTED A VIOLATION**
12 **OF § 10–136 OF THIS PART.**

13 **(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE FORM**
14 **OF CITATION ISSUED TO AN ADULT FOR A VIOLATION OF § 10–136 OF THIS PART**
15 **SHALL BE AS PRESCRIBED BY THE DISTRICT COURT AND SHALL BE UNIFORM**
16 **THROUGHOUT THE STATE.**

17 **(2) THE CITATION ISSUED TO AN ADULT SHALL CONTAIN:**

18 **(I) THE NAME AND ADDRESS OF THE PERSON CHARGED;**

19 **(II) THE STATUTE ALLEGEDLY VIOLATED;**

20 **(III) THE LOCATION, DATE, AND TIME THAT THE ALLEGED**
21 **VIOLATION OCCURRED;**

22 **(IV) THE FINE THAT MAY BE IMPOSED;**

23 **(V) A NOTICE THAT PREPAYMENT OF THE FINE IS NOT**
24 **ALLOWED;**

25 **(VI) A NOTICE THAT THE DISTRICT COURT PROMPTLY**
26 **SHALL SEND TO THE PERSON CHARGED A SUMMONS TO APPEAR FOR TRIAL;**

27 **(VII) THE SIGNATURE OF THE PERSON ISSUING THE**
28 **CITATION; AND**

1 (VIII) A SPACE FOR THE PERSON CHARGED TO SIGN THE
2 CITATION.

3 (3) THE FORM OF CITATION ISSUED TO A MINOR SHALL:

4 (I) BE PRESCRIBED BY THE STATE COURT
5 ADMINISTRATOR;

6 (II) BE UNIFORM THROUGHOUT THE STATE; AND

7 (III) CONTAIN THE INFORMATION LISTED IN § 3-8A-33(B) OF
8 THE COURTS ARTICLE.

9 (E) (1) THE ISSUING JURISDICTION SHALL FORWARD A COPY OF THE
10 CITATION AND A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE
11 DISTRICT HAVING VENUE.

12 (2) THE DISTRICT COURT PROMPTLY SHALL SCHEDULE THE
13 CASE FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.

14 (3) WILLFUL FAILURE OF THE DEFENDANT TO RESPOND TO A
15 SUMMONS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION IS CONTEMPT
16 OF COURT.

17 (F) (1) FOR PURPOSES OF THIS SECTION, A VIOLATION OF § 10-136
18 OF THIS PART IS A CODE VIOLATION AND IS A CIVIL OFFENSE.

19 (2) A PERSON CHARGED WHO IS UNDER THE AGE OF 18 YEARS
20 SHALL BE SUBJECT TO THE PROCEDURES AND DISPOSITIONS PROVIDED IN
21 TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.

22 (3) A PERSON CHARGED WHO IS AT LEAST 18 YEARS OLD SHALL
23 BE SUBJECT TO THE PROVISIONS OF THIS SECTION.

24 (4) ADJUDICATION OF A CODE VIOLATION UNDER § 10-136 OF
25 THIS PART IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE AND DOES NOT
26 IMPOSE ANY OF THE CIVIL DISABILITIES ORDINARILY IMPOSED BY A CRIMINAL
27 CONVICTION.

28 (G) IN ANY PROCEEDING FOR A CODE VIOLATION UNDER § 10-136 OF
29 THIS PART:

1 **(1) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE**
2 **DEFENDANT TO THE SAME EXTENT AS IS REQUIRED BY LAW IN THE TRIAL OF**
3 **CRIMINAL CASES;**

4 **(2) THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS**
5 **PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF CRIMINAL CASES;**

6 **(3) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS**
7 **RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE**
8 **DEFENDANT UNDERSTANDS THOSE CHARGES;**

9 **(4) THE DEFENDANT IS ENTITLED TO CROSS-EXAMINE ALL**
10 **WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR**
11 **WITNESSES ON BEHALF OF THE DEFENDANT, AND TO TESTIFY ON THE**
12 **DEFENDANT'S OWN BEHALF, IF THE DEFENDANT CHOOSES TO DO SO;**

13 **(5) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY**
14 **COUNSEL OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE**
15 **DEFENDANT; AND**

16 **(6) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT**
17 **GUILTY, AND THE VERDICT OF THE COURT IN THE CASE SHALL BE:**

18 **(I) GUILTY OF A CODE VIOLATION;**

19 **(II) NOT GUILTY OF A CODE VIOLATION; OR**

20 **(III) PROBATION BEFORE JUDGMENT, IMPOSED BY THE**
21 **COURT IN THE SAME MANNER AND TO THE SAME EXTENT AS IS ALLOWED BY LAW**
22 **IN THE TRIAL OF A CRIMINAL CASE.**

23 **(H) (1) IF THE DISTRICT COURT FINDS THAT A PERSON HAS**
24 **COMMITTED A CODE VIOLATION, THE COURT SHALL REQUIRE THE PERSON TO**
25 **PAY:**

26 **(I) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$500;**
27 **OR**

28 **(II) FOR A SECOND OR SUBSEQUENT VIOLATION, A FINE NOT**
29 **EXCEEDING \$1,000.**

30 **(2) THE CHIEF JUDGE OF THE DISTRICT COURT MAY NOT**
31 **ESTABLISH A SCHEDULE FOR THE PREPAYMENT OF FINES FOR A VIOLATION**
32 **UNDER § 10-136 OF THIS PART.**

1 **(I) WHEN A DEFENDANT HAS BEEN FOUND GUILTY OF A CODE**
2 **VIOLATION AND A FINE HAS BEEN IMPOSED BY THE COURT:**

3 **(1) THE COURT MAY DIRECT THAT THE PAYMENT OF THE FINE BE**
4 **SUSPENDED OR DEFERRED UNDER CONDITIONS THAT THE COURT MAY**
5 **ESTABLISH; AND**

6 **(2) IF THE DEFENDANT WILLFULLY FAILS TO PAY THE FINE**
7 **IMPOSED BY THE COURT, THAT WILLFUL FAILURE MAY BE TREATED AS A**
8 **CRIMINAL CONTEMPT OF COURT, FOR WHICH THE DEFENDANT MAY BE**
9 **PUNISHED BY THE COURT AS PROVIDED BY LAW.**

10 **(J) (1) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE**
11 **PROCEEDINGS IN THE DISTRICT COURT AND FOR PAYMENT TO THE CRIMINAL**
12 **INJURIES COMPENSATION FUND.**

13 **(2) THE COURT COSTS IN A CODE VIOLATION CASE UNDER §**
14 **10-136 OF THIS PART IN WHICH COSTS ARE IMPOSED ARE \$5.**

15 **(K) (1) A DEFENDANT WHO HAS BEEN FOUND GUILTY OF A CODE**
16 **VIOLATION UNDER § 10-136 OF THIS PART HAS THE RIGHT TO APPEAL OR TO**
17 **FILE A MOTION FOR A NEW TRIAL OR A MOTION FOR A REVISION OF A**
18 **JUDGMENT PROVIDED BY LAW IN THE TRIAL OF A CRIMINAL CASE.**

19 **(2) A MOTION SHALL BE MADE IN THE SAME MANNER AS**
20 **PROVIDED IN THE TRIAL OF CRIMINAL CASES, AND THE COURT, IN RULING ON**
21 **THE MOTION, HAS THE SAME AUTHORITY PROVIDED IN THE TRIAL OF CRIMINAL**
22 **CASES.**

23 **(L) (1) THE STATE'S ATTORNEY FOR ANY COUNTY MAY PROSECUTE A**
24 **CODE VIOLATION UNDER § 10-136 OF THIS PART IN THE SAME MANNER AS**
25 **PROSECUTION OF A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.**

26 **(2) IN A CODE VIOLATION CASE UNDER § 10-136 OF THIS PART,**
27 **THE STATE'S ATTORNEY MAY:**

28 **(I) ENTER A NOLLE PROSEQUI OR PLACE THE CASE ON THE**
29 **STET DOCKET; AND**

30 **(II) EXERCISE AUTHORITY IN THE SAME MANNER AS**
31 **PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.**

32 **Article – Courts and Judicial Proceedings**

1 3-8A-01.

2 (dd) "Violation" means a violation for which a citation is issued under:

3 (1) § 10-113, § 10-114, § 10-115, or § 10-116 of the Criminal Law
4 Article;

5 (2) § 10-108 of the Criminal Law Article;

6 (3) § 10-132 of the Criminal Law Article; [or]

7 **(4) § 10-136 OF THE CRIMINAL LAW ARTICLE; OR**

8 **[(4) (5) § 26-103 of the Education Article.**

9 3-8A-33.

10 (a) A law enforcement officer authorized to make arrests shall issue a
11 citation to a child if the officer has probable cause to believe that the child is violating:

12 (1) § 10-113, § 10-114, § 10-115, or § 10-116 of the Criminal Law
13 Article;

14 (2) § 10-108 of the Criminal Law Article;

15 (3) § 10-132 of the Criminal Law Article; [or]

16 **(4) § 10-136 OF THE CRIMINAL LAW ARTICLE; OR**

17 **[(4) (5) § 26-103 of the Education Article.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2013.