

SENATE BILL 106

C7
HB 603/12 – W&M

3lr1146

By: **Senator McFadden**
Introduced and read first time: January 14, 2013
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Charitable Gaming Events – For-Profit and Nonprofit**
3 **Organizations**

4 FOR the purpose of authorizing in Baltimore City a for-profit organization to hold a
5 charitable gaming event with a certain nonprofit organization under certain
6 conditions; authorizing a charitable gaming event to include card games, dice
7 games, and roulette; requiring that a for-profit organization and nonprofit
8 organization be issued a permit before conducting a charitable event; requiring
9 that a person who works as an operator of the charitable gaming event be
10 named on the permit; requiring the Baltimore City Police Commissioner to take
11 certain actions before issuing a permit; requiring the Commissioner to make
12 certain permit applications a matter of public record; prohibiting an individual
13 or group of individuals from receiving certain benefits; allowing permit holders
14 to pay for certain goods and services; limiting the number of charitable gaming
15 events that permit holders may conduct in a calendar year; requiring permit
16 holders to submit certain documents to the Commissioner and the Department
17 of Finance; prohibiting permit holders from offering or awarding certain prizes;
18 requiring the Commissioner to adopt certain regulations; making a violation of
19 this Act a misdemeanor; providing a certain penalty; defining certain terms;
20 and generally relating to charitable gaming events in Baltimore City.

21 BY repealing and reenacting, without amendments,
22 Article – Criminal Law
23 Section 13-501(a) and (b) and 13-502
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2012 Supplement)

26 BY adding to
27 Article – Criminal Law
28 Section 13-505.1
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2012 Replacement Volume and 2012 Supplement)

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

Article – Criminal Law

13–501.

(a) In this subtitle the following words have the meanings indicated.

(b) “Commissioner” means the Baltimore City Police Commissioner.

13–502.

This subtitle applies only in Baltimore City.

13–505.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CHARITABLE GAMING EVENT” MEANS AN EVENT THAT INCLUDES A CARD GAME, A DICE GAME, AND ROULETTE.

(3) “PARTNER ORGANIZATION” MEANS AN ORGANIZATION IN BALTIMORE CITY THAT IS:

(I) A RELIGIOUS ORGANIZATION;

(II) A FRATERNAL ORGANIZATION;

(III) A CIVIC ORGANIZATION;

(IV) A VETERANS’ HOSPITAL;

(V) AN AMATEUR ATHLETIC ORGANIZATION IN WHICH ALL PLAYING MEMBERS ARE UNDER THE AGE OF 18 YEARS; OR

(VI) A CHARITABLE ORGANIZATION.

(B) A FOR–PROFIT ORGANIZATION MAY HOLD A CHARITABLE GAMING EVENT WITH A PARTNER ORGANIZATION IF ALL OF THE NET PROCEEDS OF THE CHARITABLE GAMING EVENT ARE DONATED TO THE PARTNER ORGANIZATION.

1 **(C) (1) (I) A FOR-PROFIT ORGANIZATION AND A PARTNER**
2 **ORGANIZATION SHALL BE ISSUED A PERMIT BY THE COMMISSIONER BEFORE**
3 **THE FOR-PROFIT ORGANIZATION AND THE PARTNER ORGANIZATION MAY**
4 **CONDUCT A CHARITABLE GAMING EVENT.**

5 **(II) A PERSON WHO WORKS AS AN OPERATOR OF THE**
6 **CHARITABLE GAMING EVENT SHALL BE NAMED ON THE PERMIT WITH THE**
7 **FOR-PROFIT ORGANIZATION AND THE PARTNER ORGANIZATION.**

8 **(2) BEFORE THE COMMISSIONER MAY ISSUE A PERMIT FOR A**
9 **CHARITABLE GAMING EVENT, THE COMMISSIONER SHALL REVIEW THE**
10 **CHARACTER OF THE FOR-PROFIT ORGANIZATION AND THE PARTNER**
11 **ORGANIZATION APPLYING FOR THE PERMIT TO ASCERTAIN THAT THE**
12 **ORGANIZATIONS MEET THE REQUIREMENTS OF THIS SUBTITLE.**

13 **(3) THE COMMISSIONER SHALL MAKE ANY APPLICATION FOR A**
14 **PERMIT AND THE ACTION TAKEN BY THE COMMISSIONER ON THAT APPLICATION**
15 **A MATTER OF PUBLIC RECORD.**

16 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
17 **SUBSECTION, A FOR-PROFIT ORGANIZATION AND A PARTNER ORGANIZATION**
18 **CONDUCTING A CHARITABLE GAMING EVENT MAY NOT ALLOW AN INDIVIDUAL**
19 **OR A GROUP OF INDIVIDUALS TO:**

20 **(I) BENEFIT FINANCIALLY FROM THE CHARITABLE GAMING**
21 **EVENT; OR**

22 **(II) RECEIVE ANY OF THE PROCEEDS OF THE CHARITABLE**
23 **GAMING EVENT FOR PERSONAL USE OR BENEFIT.**

24 **(2) A FOR-PROFIT ORGANIZATION AND A PARTNER**
25 **ORGANIZATION MAY PAY:**

26 **(I) A PERSON TO MANAGE, OPERATE, OR ASSIST IN THE**
27 **MANAGEMENT OR OPERATION OF THE CHARITABLE GAMING EVENT; AND**

28 **(II) THE COST OF GOODS AND OTHER SERVICES ESSENTIAL**
29 **TO THE OPERATION OF THE CHARITABLE GAMING EVENT, SUCH AS FOOD,**
30 **BEVERAGES, AND VENUE RENTAL.**

31 **(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SECTION, A**
32 **FOR-PROFIT ORGANIZATION AND A PARTNER ORGANIZATION MAY NOT**

1 CONDUCT MORE THAN THREE CHARITABLE GAMING EVENTS IN A CALENDAR
2 YEAR.

3 (2) WITHIN 60 DAYS AFTER HOLDING A CHARITABLE GAMING
4 EVENT, THE FOR-PROFIT ORGANIZATION AND THE PARTNER ORGANIZATION
5 SHALL SUBMIT TO THE COMMISSIONER AND TO THE DEPARTMENT OF FINANCE
6 A REPORT THAT LISTS THE RECEIPTS AND EXPENSES FOR THE CHARITABLE
7 GAMING EVENT TO DETERMINE THE AMOUNT OF THE ADMISSIONS AND
8 AMUSEMENT TAX THAT IS DUE.

9 (F) THE FOR-PROFIT ORGANIZATION AND THE PARTNER
10 ORGANIZATION THAT HOLD A CHARITABLE GAMING EVENT MAY NOT:

11 (1) OFFER OR AWARD A MONEY PRIZE OF MORE THAN \$500 TO A
12 PLAYER OF A CARD GAME, DICE GAME, OR ROULETTE; OR

13 (2) OFFER OR AWARD MERCHANDISE OF NOT MORE THAN \$1,000
14 TO A PLAYER OF A CARD GAME, DICE GAME, OR ROULETTE.

15 (G) THE COMMISSIONER SHALL ADOPT REGULATIONS FOR:

16 (1) THE ISSUANCE OF A PERMIT FOR A CHARITABLE GAMING
17 EVENT; AND

18 (2) THE CONDUCT AND MANAGEMENT OF A CHARITABLE GAMING
19 EVENT TO PREVENT FRAUD AND TO PROTECT THE PUBLIC.

20 (H) A PERSON WHO KNOWINGLY CONDUCTS OR ATTEMPTS TO CONDUCT
21 A CHARITABLE GAMING EVENT IN VIOLATION OF THIS SECTION IS GUILTY OF A
22 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
23 EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

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