

SENATE BILL 481

E2
SB 9/13 – B&T

4lr2174
CF HB 275

By: **Senators Klausmeier, Colburn, DeGrange, ~~and Robey~~ Robey, Currie, and Montgomery**

Introduced and read first time: January 27, 2014

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 24, 2014

CHAPTER _____

1 AN ACT concerning

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

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; prohibiting an
6 individual under the age of 21 years from entering or remaining in an area
7 within a video lottery facility that is designated ~~solely~~ for table game or video
8 lottery terminal activities; establishing penalties for a certain violation of this
9 Act; establishing that a person who violates this Act shall be issued a certain
10 citation; authorizing certain individuals to issue certain citations under certain
11 circumstances; requiring the District Court to prescribe a certain form of
12 citation; requiring that the citation contain certain information; requiring the
13 jurisdiction that issues a certain citation to forward a copy of the citation and a
14 request for trial to the District Court having a certain venue; requiring the
15 District Court to schedule a certain trial and summon a certain defendant to
16 appear; providing that a willful failure to respond to a certain summons is
17 contempt of court; establishing that a violation of a certain provision of this Act
18 is a Code violation and a civil offense; providing that a minor is subject to
19 certain procedures and dispositions; providing that an individual who is under
20 the age of 21 years but not a minor is subject to certain provisions of this Act;
21 establishing that an adjudication of a certain Code violation is not a criminal
22 conviction for any purpose and does not impose certain disabilities; establishing
23 certain procedures for a certain Code violation proceeding; establishing certain
24 penalties for a certain violation of this Act; ~~prohibiting~~ authorizing the Chief

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Judge of the District Court ~~from establishing~~ to establish a certain schedule for
 2 the prepayment of fines; authorizing a court to direct that the payment of a
 3 certain fine be suspended or deferred; establishing that the willful failure to pay
 4 a certain fine is criminal contempt of court; providing that a certain defendant
 5 is liable for certain costs; establishing that a certain defendant has certain
 6 rights to appeal or file certain motions; authorizing the State's Attorney to
 7 prosecute a certain violation in a certain manner; establishing that a violation
 8 of a certain provision of this Act is a violation for certain purposes; authorizing
 9 a certain law enforcement officer to issue a citation to a child for a violation of a
 10 certain provision of this Act under certain circumstances; defining certain
 11 terms; making conforming changes; and generally relating to table game and
 12 video lottery terminal violations.

13 BY adding to

14 Article – Criminal Law
 15 Section 10–136 and 10–137 to be under the new part “Part V. Table Game and
 16 Video Lottery Terminal Violations”
 17 Annotated Code of Maryland
 18 (2012 Replacement Volume and 2013 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Courts and Judicial Proceedings
 21 Section 3–8A–01(dd) and 3–8A–33(a)
 22 Annotated Code of Maryland
 23 (2013 Replacement Volume and 2013 Supplement)

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

26 **Article – Criminal Law**

27 **10–134. RESERVED.**

28 **10–135. RESERVED.**

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

30 **10–136.**

31 **(A) (1) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**
 32 **INDICATED.**

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

1 **(3) “VIDEO LOTTERY FACILITY” HAS THE MEANING STATED IN §**
2 **9–1A–01 OF THE STATE GOVERNMENT ARTICLE.**

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

5 **(B) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT:**

6 **(1) PLAY A TABLE GAME OR VIDEO LOTTERY TERMINAL IN A**
7 **VIDEO LOTTERY FACILITY; OR**

8 **(2) ENTER OR REMAIN IN AN AREA WITHIN A VIDEO LOTTERY**
9 **FACILITY THAT IS DESIGNATED ~~SOLELY~~ FOR TABLE GAME OR VIDEO LOTTERY**
10 **TERMINAL ACTIVITIES.**

11 **10–137.**

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

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

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

17 **(2) IN STATE FORESTRY RESERVATIONS, STATE PARKS, HISTORIC**
18 **MONUMENTS, AND RECREATION AREAS, A FOREST OR PARK WARDEN UNDER §**
19 **5–206(A) OF THE NATURAL RESOURCES ARTICLE.**

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

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

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

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

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

1 (III) THE LOCATION, DATE, AND TIME THAT THE ALLEGED
2 VIOLATION OCCURRED;

3 (IV) THE FINE THAT MAY BE IMPOSED;

4 ~~(V) A NOTICE THAT PREPAYMENT OF THE FINE IS NOT~~
5 ~~ALLOWED;~~

6 ~~(VI)~~ (V) A NOTICE THAT THE DISTRICT COURT PROMPTLY
7 SHALL SEND TO THE PERSON CHARGED A SUMMONS TO APPEAR FOR TRIAL;

8 ~~(VII)~~ (VI) THE SIGNATURE OF THE PERSON ISSUING THE
9 CITATION; AND

10 ~~(VIII)~~ (VII) A SPACE FOR THE PERSON CHARGED TO SIGN THE
11 CITATION.

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

13 (I) BE PRESCRIBED BY THE STATE COURT
14 ADMINISTRATOR;

15 (II) BE UNIFORM THROUGHOUT THE STATE; AND

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

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

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

23 (3) WILLFUL FAILURE OF THE DEFENDANT TO RESPOND TO A
24 SUMMONS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION IS CONTEMPT
25 OF COURT.

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

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

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

6 **(4) ADJUDICATION OF A CODE VIOLATION UNDER § 10-136 OF**
7 **THIS PART IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE AND DOES NOT**
8 **IMPOSE ANY OF THE CIVIL DISABILITIES ORDINARILY IMPOSED BY A CRIMINAL**
9 **CONVICTION.**

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

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

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

17 **(3) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS**
18 **RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE**
19 **DEFENDANT UNDERSTANDS THOSE CHARGES;**

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

24 **(5) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY**
25 **COUNSEL OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE**
26 **DEFENDANT; AND**

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

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

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

1 (III) PROBATION BEFORE JUDGMENT, IMPOSED BY THE
2 COURT IN THE SAME MANNER AND TO THE SAME EXTENT AS IS ALLOWED BY LAW
3 IN THE TRIAL OF A CRIMINAL CASE.

4 (H) (1) IF THE DISTRICT COURT FINDS THAT A PERSON HAS
5 COMMITTED A CODE VIOLATION, THE COURT SHALL REQUIRE THE PERSON:

6 (I) FOR A FIRST VIOLATION, TO PAY A FINE NOT EXCEEDING
7 \$100;

8 (II) FOR A SECOND VIOLATION, TO PAY A FINE NOT
9 EXCEEDING \$500; OR

10 (III) FOR A THIRD OR SUBSEQUENT VIOLATION, TO PAY A
11 FINE NOT EXCEEDING \$1,000 AND TO PARTICIPATE IN GAMBLING ADDICTION
12 TREATMENT.

13 (2) THE CHIEF JUDGE OF THE DISTRICT COURT MAY ~~NOT~~
14 ESTABLISH A SCHEDULE FOR THE PREPAYMENT OF FINES FOR A VIOLATION
15 UNDER § 10-136 OF THIS PART.

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

18 (1) THE COURT MAY DIRECT THAT THE PAYMENT OF THE FINE BE
19 SUSPENDED OR DEFERRED UNDER CONDITIONS THAT THE COURT MAY
20 ESTABLISH; AND

21 (2) IF THE DEFENDANT WILLFULLY FAILS TO PAY THE FINE
22 IMPOSED BY THE COURT, THAT WILLFUL FAILURE MAY BE TREATED AS A
23 CRIMINAL CONTEMPT OF COURT, FOR WHICH THE DEFENDANT MAY BE
24 PUNISHED BY THE COURT AS PROVIDED BY LAW.

25 (J) (1) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE
26 PROCEEDINGS IN THE DISTRICT COURT AND FOR PAYMENT TO THE CRIMINAL
27 INJURIES COMPENSATION FUND.

28 (2) THE COURT COSTS IN A CODE VIOLATION CASE UNDER §
29 10-136 OF THIS PART IN WHICH COSTS ARE IMPOSED ARE \$5.

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

1 **(2) A MOTION SHALL BE MADE IN THE SAME MANNER AS**
 2 **PROVIDED IN THE TRIAL OF CRIMINAL CASES, AND THE COURT, IN RULING ON**
 3 **THE MOTION, HAS THE SAME AUTHORITY PROVIDED IN THE TRIAL OF CRIMINAL**
 4 **CASES.**

5 **(L) (1) THE STATE’S ATTORNEY FOR ANY COUNTY MAY PROSECUTE A**
 6 **CODE VIOLATION UNDER § 10–136 OF THIS PART IN THE SAME MANNER AS**
 7 **PROSECUTION OF A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.**

8 **(2) IN A CODE VIOLATION CASE UNDER § 10–136 OF THIS PART,**
 9 **THE STATE’S ATTORNEY MAY:**

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

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

14 **Article – Courts and Judicial Proceedings**

15 3–8A–01.

16 (dd) “Violation” means a violation for which a citation is issued under:

17 (1) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law
 18 Article;

19 (2) § 10–108 of the Criminal Law Article;

20 (3) § 10–132 of the Criminal Law Article; [or]

21 **(4) § 10–136 OF THE CRIMINAL LAW ARTICLE; OR**

22 **[(4)] (5) § 26–103 of the Education Article.**

23 3–8A–33.

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

26 (1) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law
 27 Article;

28 (2) § 10–108 of the Criminal Law Article;

1 (3) § 10–132 of the Criminal Law Article; [or]

2 (4) § 10–136 OF THE CRIMINAL LAW ARTICLE; OR

3 [(4)] (5) § 26–103 of the Education Article.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.