

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1497  
Ways and Means

(Delegates Waldstreicher and Luedtke)

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Video Lottery Operations - Persons on Voluntary Exclusion List - Trespass

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This bill requires a person on a casino's voluntary exclusion list to complete an accredited program for treatment or counseling for problem gambling and not be subject to imprisonment or a fine for a first violation of trespassing on the premises of a video lottery operation licensee.

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Fiscal Summary

**State Effect:** Potential minimal decrease in general fund revenues and expenditures if the bill results in fewer fines imposed in District Court cases and incarcerations. The bill's requirement that specified first offenders undergo mandatory problem gambling treatment is not expected to materially affect State finances.

**Local Effect:** Potential minimal decrease in local revenues and expenditures if the bill results in fewer fines imposed in circuit court cases and incarcerations.

**Small Business Effect:** None.

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Analysis

**Current Law:** Under the prohibition against wanton trespass on private property, a person may not:

- enter or cross over private property or board the boat or other marine vessel of another, after having been notified by the owner or the owner's agent not to do so, unless entering or crossing under a good faith claim of right or ownership; or

- remain on private property, including the boat or other marine vessel of another, after having been notified by the owner or the owner's agent not to do so.

This prohibition also applies to property that is used as a housing project and operated by a housing authority or State public body, if an authorized agent of the housing authority or State public body gives the required notice.

Violators are guilty of a misdemeanor, punishable by (1) imprisonment for up to 90 days and/or a \$500 maximum fine for a first violation; (2) imprisonment for up to six months and/or a maximum fine of \$1,000 for a second violation occurring within two years after the first violation; and (3) imprisonment for up to one year and/or a \$2,500 maximum fine for each subsequent violation occurring within two years after the preceding violation.

The State Lottery and Gaming Control Commission (SLGCC) must adopt regulations to reduce or mitigate effects of problem gambling. The regulations must include establishment of a voluntary list of individuals with gambling problems who request to be excluded from any video lottery operation in the State, as well as means for a sober and informed individual to request placement on the exclusion list for a specified time period. A video lottery operation licensee may not permit an individual on the voluntary exclusion list to enter into the video lottery facility or to play a video lottery terminal (VLT). SLGCC may impose sanctions on a licensee for knowingly failing to exclude from the premises an individual on the voluntary exclusion list.

**Background:** VLT licensees pay annual fees to the Problem Gambling Fund in the Department of Health and Mental Hygiene. Fund revenues are used to operate a 24-hour hotline for compulsive and problem gamblers, provide counseling and support services to compulsive and problem gamblers, and develop and implement problem gambling treatment and prevention programs.

As of January 31, 2017, there are 1,350 individuals on the casino voluntary exclusion list, of which 878 are Maryland residents. In 2016, there were 81 violations of individuals on the casino voluntary exclusion list trespassing on casino property.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Health and Mental Hygiene; Maryland State Lottery and Gaming Control Agency; Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2017  
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