

SENATE BILL 940

C7, E1

7lr2520
CF HB 377

By: **Senator Smith**

Introduced and read first time: February 3, 2017

Assigned to: Budget and Taxation and Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Betting, Wagering, and Gambling – Civil Offense**

3 FOR the purpose of altering the penalty for certain conduct relating to betting, wagering,
4 or gambling; making certain conduct relating to betting, wagering, or gambling a
5 civil offense; establishing that adjudication of a violation under a certain provision
6 of this Act is not a criminal conviction for any purpose and does not impose any of
7 the civil disabilities that may result from a criminal conviction; altering certain
8 penalties; authorizing a certain police officer to issue a certain citation under certain
9 circumstances; establishing certain requirements for a citation issued under this Act;
10 requiring the form of a certain citation to be uniform throughout the State and to be
11 prescribed by the District Court; requiring the Chief Judge of the District Court to
12 establish a schedule for the prepayment of a certain fine; requiring a certain police
13 officer to forward a copy of a certain citation to a certain court; providing that a
14 person may request a trial within a certain time period after the issuance of a
15 citation; providing that the District Court may impose a certain fine and costs and
16 find a person guilty of a certain violation; providing that a certain defendant is liable
17 for certain costs of a certain proceeding; and generally relating to betting, wagering,
18 and gambling.

19 BY repealing and reenacting, with amendments,
20 Article – Criminal Law
21 Section 12–102 and 12–103
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2016 Supplement)

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

26 **Article – Criminal Law**

27 12–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) A person may not:

(1) [bet, wager, or gamble;

(2)] make or sell a book or pool on the result of a race, contest, or contingency;

[(3)] (2) establish, keep, rent, use, or occupy, or knowingly allow to be established, kept, rented, used, or occupied, all or a part of a building, vessel, or place, on land or water, within the State, for the purpose of:

(i) betting, wagering, or gambling; or

(ii) making, selling, or buying books or pools on the result of a race, contest, or contingency; or

[(4)] (3) receive, become the depository of, record, register, or forward, or propose, agree, or pretend to forward, money or any other thing or consideration of value, to be bet, wagered, or gambled on the result of a race, contest, or contingency.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment [for not less than 6 months and] not exceeding [1 year or a fine of not less than \$200 and not exceeding \$1,000 or both] **6 MONTHS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

(c) (1) The provisions of this subsection apply only in Baltimore City.

(2) A person who violates this section may be charged by a citation.

(3) A citation for a violation of this section may be issued to a person by a police officer authorized to make arrests in Baltimore City if there is probable cause to believe that the person is committing or has committed a violation of this section.

(4) A citation issued under this subsection shall contain:

(i) the name and address of the person charged;

(ii) the statute allegedly violated;

(iii) the location, date, and time that the violation occurred;

(iv) the fine or term of imprisonment that may be imposed;

(v) a notice stating that prepayment of a fine is not allowed;

(vi) a notice that the court shall promptly send the person charged a summons to appear for trial; and

(vii) the signature of the police officer issuing the citation.

(5) (i) The police officer who issued the citation shall forward to the appropriate court a copy of the citation.

(ii) The court shall promptly schedule the case for trial and summon the defendant to appear.

(iii) Willful failure of the defendant to respond to the summons is contempt of court.

12–103.

(a) For money or any other thing or consideration of value, a person may not [play]:

(1) [the game called “thimbles”;

(2) the game called “little joker”;

(3) dice or the game commonly called “craps”] **BET, WAGER, OR GAMBLE;**
or

[(4)] (2) PLAY any other gaming device or fraudulent trick.

(b) **(1) [A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 6 months and not exceeding 2 years or a fine not exceeding \$100 or both.] A VIOLATION OF THIS SECTION IS A CIVIL OFFENSE PUNISHABLE BY A FINE NOT EXCEEDING:**

(I) \$500, IF THE VIOLATION INVOLVES MONEY OR ANY OTHER THING OR CONSIDERATION OF VALUE NOT EXCEEDING \$100; OR

(II) \$1,000, IF THE VIOLATION INVOLVES MONEY OR ANY OTHER THING OR CONSIDERATION OF VALUE THAT EXCEEDS \$100.

(2) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:

(I) IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE; AND

(II) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT MAY RESULT FROM A CRIMINAL CONVICTION.

(C) (1) A CITATION FOR A VIOLATION OF THIS SECTION MAY BE ISSUED TO A PERSON BY A POLICE OFFICER AUTHORIZED TO MAKE ARRESTS IF THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PERSON IS COMMITTING OR HAS COMMITTED A VIOLATION OF THIS SECTION.

(2) A CITATION ISSUED UNDER THIS SUBSECTION SHALL CONTAIN:

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

(II) THE STATUTE ALLEGEDLY VIOLATED;

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

(IV) THE FINE THAT MAY BE IMPOSED;

(V) A NOTICE STATING THAT PREPAYMENT OF A FINE IS ALLOWED;

(VI) A NOTICE IN BOLDFACE TYPE THAT THE PERSON SHALL:

1. PAY THE FULL AMOUNT OF THE PRESET FINE; OR

2. REQUEST A TRIAL DATE AT THE DATE, TIME, AND PLACE ESTABLISHED BY THE DISTRICT COURT BY WRIT OR TRIAL NOTICE; AND

(VII) THE SIGNATURE OF THE POLICE OFFICER ISSUING THE CITATION.

(3) THE FORM OF THE CITATION SHALL BE UNIFORM THROUGHOUT THE STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.

(4) (I) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A SCHEDULE FOR THE PREPAYMENT OF A FINE.

(II) PREPAYMENT OF A FINE SHALL BE CONSIDERED A PLEA OF GUILTY TO A CIVIL CODE VIOLATION.

(5) THE POLICE OFFICER WHO ISSUED THE CITATION SHALL FORWARD TO THE APPROPRIATE COURT A COPY OF THE CITATION.

(6) A PERSON MAY REQUEST A TRIAL BY SENDING A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE JURISDICTION WHERE THE CITATION WAS ISSUED WITHIN 30 DAYS AFTER THE ISSUANCE OF THE CITATION.

1 **(7) IF A PERSON DOES NOT REQUEST A TRIAL OR PREPAY THE FINE**
2 **WITHIN 30 DAYS AFTER THE ISSUANCE OF THE CITATION, THE DISTRICT COURT MAY**
3 **IMPOSE THE MAXIMUM FINE AND COSTS AGAINST THE PERSON AND FIND THE**
4 **PERSON GUILTY OF A CODE VIOLATION FOR PURPOSES OF THIS SECTION.**

5 **(8) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE PROCEEDING**
6 **IN THE DISTRICT COURT.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2017.