

# HOUSE BILL 113

C7, E1

9lr1253

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By: **Delegates Moon, Hornberger, Atterbeary, Barron, Charkoudian, Kittleman, J. Lewis, Lierman, Luedtke, Palakovich Carr, Sydnor, Washington, and Wilkins**

Introduced and read first time: January 18, 2019

Assigned to: Ways and Means and Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Gaming – 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 issuing  
13 jurisdiction to forward a copy of a certain citation and request for trial to a certain  
14 court; providing that a person may request a trial in a certain manner within a  
15 certain time period after the issuance of a citation; providing that the District Court  
16 may impose a certain fine and costs and find a person guilty of a certain violation  
17 under certain circumstances; providing that a certain defendant is liable for certain  
18 costs of a certain proceeding; specifying the costs of a certain proceeding; providing  
19 that the State has the burden to prove the guilt of a certain defendant by a certain  
20 standard; requiring a court to apply certain evidentiary standards; requiring a court  
21 to ensure that a certain defendant has received a copy of certain charges and that  
22 the defendant understands those charges; providing that a certain defendant is  
23 entitled to take certain actions under certain circumstances; providing that a certain  
24 defendant is entitled to be represented by a certain counsel at the expense of the  
25 defendant; authorizing a certain defendant to enter a certain plea; specifying a  
26 certain verdict; authorizing a certain State's Attorney to prosecute a certain Code  
27 violation in a certain manner; providing that a certain person under a certain age  
28 who is issued a citation for a certain violation is subject to certain procedures and  
29 dispositions; making certain conforming changes; and generally relating to gaming.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
2 Article – Criminal Law  
3 Section 12–102 and 12–103  
4 Annotated Code of Maryland  
5 (2012 Replacement Volume and 2018 Supplement)

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

8 **Article – Criminal Law**

9 12–102.

10 (a) A person may not:

11 (1) [bet, wager, or gamble;

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

14 [(3)] (2) establish, keep, rent, use, or occupy, or knowingly allow to be  
15 established, kept, rented, used, or occupied, all or a part of a building, vessel, or place, on  
16 land or water, within the State, for the purpose of:

17 (i) betting, wagering, or gambling; or

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

20 [(4)] (3) receive, become the depository of, record, register, or forward, or  
21 propose, agree, or pretend to forward, money or any other thing or consideration of value,  
22 to be bet, wagered, or gambled on the result of a race, contest, or contingency.

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

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

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

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

- 1 (4) A citation issued under this subsection shall contain:
- 2 (i) the name and address of the person charged;
- 3 (ii) the statute allegedly violated;
- 4 (iii) the location, date, and time that the violation occurred;
- 5 (iv) the fine or term of imprisonment that may be imposed;
- 6 (v) a notice stating that prepayment of a fine is not allowed;
- 7 (vi) a notice that the court shall promptly send the person charged a  
8 summons to appear for trial; and
- 9 (vii) the signature of the police officer issuing the citation.

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

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

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

16 12-103.

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

19 (1) [the game called "thimbles";

20 (2) the game called "little joker";

21 (3) dice or the game commonly called "craps"] **BET, WAGER, OR GAMBLE;**  
22 or

23 **[(4)] (2) PLAY** any other gaming device or fraudulent trick.

24 **[(b)]** A person who violates this section is guilty of a misdemeanor and on conviction  
25 is subject to imprisonment for not less than 6 months and not exceeding 2 years or a fine  
26 not exceeding \$100 or both.]

1           **(B) (1) A VIOLATION OF THIS SECTION IS A CIVIL OFFENSE PUNISHABLE**  
2 **BY A FINE NOT EXCEEDING:**

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

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

7           **(2) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:**

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

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

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

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

16                   **(I) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PERSON**  
17 **CHARGED;**

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

19                   **(III) THE DATE AND TIME THAT THE VIOLATION OCCURRED;**

20                   **(IV) THE LOCATION AT WHICH THE VIOLATION OCCURRED;**

21                   **(V) THE FINE THAT MAY BE IMPOSED;**

22                   **(VI) A NOTICE STATING THAT PREPAYMENT OF THE FINE IS**  
23 **ALLOWED;**

24                   **(VII) A NOTICE IN BOLDFACE TYPE THAT STATES THAT THE**  
25 **PERSON SHALL:**

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

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

3                   (VIII) THE SIGNATURE OF THE POLICE OFFICER ISSUING THE  
4 CITATION.

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

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

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

11                  (5)     THE ISSUING JURISDICTION SHALL FORWARD A COPY OF THE  
12 CITATION AND A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE DISTRICT  
13 HAVING VENUE.

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

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

21                  (8)     (I)     THE DEFENDANT IS LIABLE FOR THE COSTS OF THE  
22 PROCEEDINGS IN THE DISTRICT COURT.

23                  (II)    THE COURT COSTS IN A CODE VIOLATION CASE UNDER THIS  
24 SECTION IN WHICH COSTS ARE IMPOSED ARE \$5.

25                  (D)     IN ANY PROCEEDING FOR A CODE VIOLATION UNDER THIS SECTION:

26                  (1)     THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE  
27 DEFENDANT BY A PREPONDERANCE OF THE EVIDENCE;

28                  (2)     THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS  
29 PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF A CRIMINAL CASE;

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

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

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

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

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

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

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

17           **(E) (1) THE STATE'S ATTORNEY FOR ANY COUNTY MAY PROSECUTE A**  
18 **CODE VIOLATION UNDER THIS SECTION IN THE SAME MANNER AS PROSECUTION OF**  
19 **A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.**

20           **(2) IN A CODE VIOLATION CASE UNDER THIS SECTION, THE STATE'S**  
21 **ATTORNEY MAY:**

22                   **(I) ENTER A NOLLE PROSEQUI OR MOVE TO PLACE THE CASE ON**  
23 **THE STET DOCKET; AND**

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

26           **(F) A PERSON ISSUED A CITATION FOR A VIOLATION OF THIS SECTION WHO**  
27 **IS UNDER THE AGE OF 18 YEARS SHALL BE SUBJECT TO THE PROCEDURES AND**  
28 **DISPOSITIONS PROVIDED IN TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.**

29           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2019.